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Attorney's Practice

IN

The Court of King's Bench:

OR, AN

INTRODUCTION

TO THE

Knowledge of the Practice of that Court, as it now stands under the Regulation of several late Acts of Parliament, Rules and Determinations of the said Court:

WITH

Variety of useful and curious Precedents in English, settled or drawn by Counsel; and a complete Index to the Whole.

By a GENTLEMAN of the Inner Temple.

The Second Edition, with large Additions.

VOL. II.

In the SAVOY:

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THE

Attorney's Practice

INTHE

Court of King's Bench.

VOL. II.

Hilary Term in the Ninth Year of the Reign of King George the Second.

Roll

Ventris.

Marshalsea

Cornwall, on Friday next after the of the same Octave of Saint Hilary in Term.

this same Term, before our Lord the King at Westminster, A. B. comes by S. H. his Attorney, and now brings here in the said Court of our said Lord the King his certain Bill against C. D. Esq; being in the Custody of the Marshal of the King's

Vol. II.

The Attorney's Practice

Marshalsea before the King himself, of a Plea of Debt; and there are Pledges of Profecuting, to wit, John Doc and Richard Roe; which faid Bill follows in these Words:

Debt on the Statute against Bribery at Elections.

Declaration in Cornwall, to wit, A. B. complains of C. D. Esq; being in the Custody of the Marshal of the King's Marshalsea before the King himfelf, in a Plea, that he render to him two thousand Pounds of lawful Money of Great Britain, which he oweth to him, and unjustly detaineth from him; for this that the faid C. not regarding the Statute in fuch Case lately made and provided, nor fearing the Penalty therein contained, after the twenty-fourth Day of June 1729. to wit, upon the Day of in the Year of our Lord 1734. at in the County of Cornwall aforesaid, did

corrupt one G. G. to give his Vote for him the faid C. to be chosen one of the Members for the Borough of in the faid County of Cornwall, to serve for the Commons in the next Parliament for the faid Borough (he the faid G. G. then having a Right to vote in the faid Election, and which Election afterwards, to wit, on the

Day of in the faid Year of our Lord 1734, was had at the faid Borough) by his the faid C.'s promising to advance and pay unto the faid G. G. the Sum of five Pounds of lawful Money of Great Britain, to wit, at aforefaid in the County aforefaid, as and for a Reward to the faid G. G. in that Behalf, contrary to the Form of the faid Statute in fuch

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Case lately made and provided, whereby, and by Force of the faid Statute in fuch Cases lately made and provided, an Action accrued to the faid A. B. to demand and have of the faid C. five hundred Pounds, Parcel of the faid two thou fand Pounds. Att 2d Count. the faid A. B. further faith, that the faid C. not regarding the faid Statute in fuch Cafes lately made and provided, nor fearing the Penalty therein contained, after the twentyfourth Day of June in the faid Year of our Lord 1729. to wit, upon the in the faid Year of our Lord 1734, at aforefaid in the faid County of Cornwall, did corrupt the faid G. G. to give his Vote for him the faid C. to be chosen one of the Members for the faid Borough of in the faid County of Cornwall, to ferve for the Commons in the then next Parliament of Great Britain. in an Election then shortly to be had of Members to serve for the Commons in the faid Parliament for the faid Borough, (he the faid G. G. then having a Right to vote in the faid Election, and which Election afterwards, to wit, upon the faid in the faid Year of our Day of Lord 1734, was had at the faid Borough) by his the faid C.'s advancing and paying unto the faid G. G. the Sum of five Pounds of lawful Money of Great Britain, to wit, aforesaid in the County aforefaid, as and for a Reward to the faid G. G. in that Behalf, contrary to the Form of the faid Statute in such Cases lately made and B 2 provided,

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3d Count.

provided, whereby, and by Force of the faid Statute in fuch Case lately made and provided, an Action accrued to the faid A. B. to demand and have of the faid C. another Sum of five hundred Pounds, other Parcel of the faid two thousand Pounds. And the faid A. B. further faith, that the faid C. not regarding the faid Statute in fuch Cafe lately made and provided, nor fearing the Penalty therein contained, after the faid twentyfourth Day of June in the faid Year of our Lord 1729, to wit, upon the in the faid Year of our Lord 1734 of aforesaid, in the County of at Cornwall, did corrupt the faid G. G. to give his Vote for him the faid C. to be chosen one of the Members for the faid Boin the faid County of Cornwall, to serve for the Commons in the then next Parliament of Great Britain, in an Election then shortly to be had of Members to serve for the Commons in the faid Parliament for the faid Borough, (he the faid G. G. then claiming to have a Right to vote in the faid Election, and which Election afterwards, to wit, upon the Day of in the faid Year of our Lord 1734, was had at the faid Borough) by his the faid C's promifing to advance and pay unto the faid G. G. the Sum of five Pounds of lawful Money of Great Britain, to wit, aforesaid in the County aforefaid, as and for a Reward to the faid G. G. in that Behalf, contrary to the Form of the faid Statute in fuch Cases lately made and

and provided; whereby, and by Force of the said Statute in such Cases lately made and provided, an Action accrued to A.B. to demand and have of the said C. another Sum of sive hundred Pounds, other Parcel of the said two thousand Pounds. And 4th Count. the said A.B. surther saith, that the said C. not regarding the said Statute in such Cases lately made and provided, nor fearing the Penalty therein contained, after the said twenty-sourth Day of June in the Year of our Lord 1729, to wit, upon the

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in the faid Year Day of of our Lord 1734, at aforelaid in the County aforesaid, did corrupt the faid G. G. to give his Vote for him the faid C. to be chosen one of the Members for the faid Borough of a Dec. in the faid County of Cornwall, to ferve for the Commons in the then next Parliament of Great Britain, in an Election then shortly to be had of Members to serve for the Commons in the faid Parliament for the faid Borough (he the faid G. G. then claiming to have a Right to vote in the faid Election, and which Election afterwards, to wit, upon the faid Day of in the faid Year of our Lord 1734. was

in the said Year of our Lord 1734. was had at the said Borough) by his the said C's advancing and paying unto the said G. G. the Sum of five Pounds of lawful Money of Great Britain, to wit, at

aforesaid in the County aforesaid, as and for a Reward to the said G. G. in that Behalf, contrary to the Form of the said B 3 Statute

Statute in such Cases lately made and provided; whereby, and by Force of the said Statute in such Cases lately made and provided, an Action accrued to the said A. B. to demand and have of the said C. another Sum of sive hundred Pounds, Remainder of the said two thousand Pounds: Let the said C. (although often required) hath not paid to the said A. B. the said two thousand Pounds; but hath hitherto resused, and still doth resuse to pay the same to him; whereby he says he is prejudiced, and hath Damages to the Value of one hundred Pounds; and thereupon he brings Suit, &c.

Plea Nil Debet,

Isue. Venire a-

And the faid C. by A. S. his Attorney comes and defends the Force and Injury, when, where and as the Court shall think fit; and fays that he doth not owe the faid A. B. the faid Sum of two thousand Pounds, or any Part thereof, in Manner and Form as the faid A. B. above against him complains; and of this he puts himfelf upon his Country; and the faid A. doth the like. Therefore let a Jury come before our Lord the King at Westminster, on Thursday next after the Octave of the Purification of the Bleffed Virgin Mary, who are in no Ways of Kin either to the faid A. or to the faid C. to take Cognizance upon their Oaths of the whole Truth of the Premisses; because as well the said C. as the faid A. have put themselves upon that Jury. The same is given to the Parties aforesaid, at the same Place.

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Hilary Term in the Ninth Year of the Reign of King George the Second.

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Southampton, to wit, D. R. complains of Declaration in W. G. in the Custody of the Marshal of the Debt on the Marshalsea of our Lord the King being, be- same Statute in another fore the King himself, in a Plea, that he Form. render to the faid H. one thousand Pounds, which he owes to the faid H. and unjustly detains; For that whereas, on the Year of the Writ of Elecin the Day of Reign of his present Majesty, there issued tion. out of his faid Majesty's Court of Chancery at Westminster in the County of Middlesex, a certain Writ of his faid Majesty's under the Great Seal of Great Britain, directed to the then Sheriff of his Majesty's County of Southampton; by which faid Writ his faid Majesty reciting, That whereas by the Advice and Assent of his said Majesty's Counsel for certain arduous and urgent Affairs touching his faid Majefty, the State and Defence of his Kingdom of Great Britain, and the Church, his faid Majesty had ordered a certain Parliament to be holden at his faid Majesty's City of Westminster the Day of next ensuing, there to treat and have Conference with the Prelates, Great Men and Peers of his faid Majesty's Realm, did Command and strictly Injoin the faid Sheriff, that Proclamation being made in his next County-Court after the Reception of that his faid Majesty's Writ to be holden B 4

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at the Time and Place aforefaid, two Knights girt with Swords, of the most fit and discreet of the said County, and of every City of that County two Citizens, and of every Borough two Burgesses of the most discreet and sufficient, freely and indifferently by them, who at Such Proclamation should be present the faid Sheriff should cause to be Elected, according to the Form of the Statute in that Cafe made and provided; and the Name of fuch Knights, Citizens and Burgesses so elected, in certain Indentures thereupon to be made between the faid Sheriff and them who should be present at such Election to be inserted (whether the Person so elected should be present or absent) and them at the faid Day and Place should cause to come in such Manner, that the faid Knights full and fufficient Power for themselves and the Commonalty of the fame County, and the faid Citizens and Burgesses for themselves and the Commonalty of the faid Cities and Boroughs, feverally for them, might have to do and confent to those Things which then and there by the Common Council of his faid Majesty's Kingdom aforesaid (with God's Affistance) should happen to be ordained upon the Affairs aforesaid; so that through Defect of fuch Power, or by an improvident Election of fuch Knights, Citizens and Burgesses, the said Affairs might not in any wife remain unprovided for; Willing nevertheless that neither the said Sheriff.

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iff, or any other Sheriff of that his faid Majesty's Kingdom aforesaid, in any wife hould be elected, and the faid Election n full County of the fame Sheriff fo made distinctly and openly, under the Seal of the same Sheriff, and the Seals of them who should be present at such Election, the same Sheriff should certify to his said Majesty in Chancery at the Day and Place aforefaid, without Delay, remitting to his Majesty one Part of the aforesaid Indentures sewed to the faid Writ, together with the faid Writ; by Virtue of which And of the Writ A. B. Efq; then, and until, at and Sheriff's Preafter the Return of the faid Writ being cept thereon. Sheriff of the faid County of Southampton, afterwards and before the Return of the faid Writ, to wit, on the fame

Day of in the Year of our Lord at the Borough of aforefaid in the faid County of Southampton, made his certain Precept in Writing, fealed with the Seal of his faid Office of Sheriff of the faid County of Southampton, and bearing Date the same Day and Year last mentioned, directed to the Mayor, Aldermen and Burgesses of the said Town aforesaid within or Borough of the faid County; by which faid Precept the faid Sheriff reciting, That whereas by the Advice and Confent of Counsel of our faid Sovereign Lord the King, for diverse weighty and urgent Affairs concerning our faid Sovereign Lord the King, the Estate and Defence of the Kingdom, and the Church,

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our faid Sovereign Lord the King had Ordained, that a certain Parliament should be held at the City of Westminster, on

Day of Thursday the

then next ensuing, to have Conference with the Prelates, Great Men and Peers of the Realm; therefore the faid Sheriff, by Virtue of the faid Writ of our faid Sovereign Lord the King to him directed, required the faid Mayor, Alderman and Burgesses, and every of them, That they should elect, or cause to be elected, by those who should be present, two Burgesses, Men of good Understanding, Wit, Knowledge and Discretion, freely and indifferently (Proclamation being first made, according to the Form of the Statute in that Cafe made and provided) to ferve in the faid Parliament for the faid Town or Borough; and that they should cause to be inferted the Names of the Persons so Elected, in certain Indentures to be made between him the faid Sheriff and those who should make fuch Election, whether the Persons so elected be present or abfent; and so that the faid Burgesses should have full Power and Authority for themfelves and the whole Commonalty of the faid Town or Borough to do and confent to fuch Things, as with God's Affistance in the faid Parliament should happen to be ordained upon the Affairs aforefaid; by Virtue of which faid Precept afterwards, and before the Return of the faid Writ, to wit, on the Day of the

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he faid Year of the Reign of his said Majesty, at the said Town or Borough of in the County of Southampton aforesaid, the Election of two Burgesses of the said Town or Borough, to ferve as Burgesses of the said Town or Borough at the then next Parliament to be holden as aforefaid, was had and made. And thereupon E. F. of faid, Efg; and G. H. of in the County of Efq; were elected, and at the faid Return of the faid Writ were returned to ferve as Burgesses for the faid Town or Borough in the faid Parliament, to be holden as aforesaid. The said W.G. not regarding the Statute in that Cafe lately made and provided, nor fearing the Penalty contained therein, after the twenty-fourth Day of June in the Year of our Lord 1729, and after the Issuing the said Writ, and before the faid Election of Burgeffes in and for the faid Town or Borough of to wit, on the aforefaid, in the faid Day of Year of the Reign of his said Majesty, at the faid Town or Borough of aforefaid, did corrupt and procure W. L. who then and at the Time of the faid Election had a Right to vote in the faid Election, to give his Vote in the faid Election for the faid E. F. and G. H. by his the faid W. G.'s then and there corruptly agreeing with and promising the said W. L. as a Reward for his the faid W. L.'s giving his Vote as aforesaid, to pay and give him the

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faid W. L. the Sum of five Pounds five Shillings of lawful Money of Great Britain, contrary to the Form of the Statute in that Case lately made and provided; by Reason and Means of which said corrupt Agreement, and Promise made as aforesaid, the said W. L. on the Day of aforesaid in the Year last aforesaid, at the said Town or Borough of

in the said County of Southampton, gave his Vote for the said E. F. and G. H. at and in the said Election; whereby, and by Virtue of the said Statute, an Action hath accrued to the said F. R. to demand and have of the said W. G. the said sive hundred Pounds, Parcel of the said one thousand Pounds. And also that the said W. G. not regarding the said Statute, nor fearing the Penalty therein contained, after the said twenty-sourth Day of June in the said Year of our Lord 1729, and after the Issuing the said Writ, and before the above mentioned Election of Burgesses in and for the said Town or Borough of

to wit, on the faid Day of in the Year of the Reign of his faid Majesty, at the faid Town or Borough of aforesaid, did corrupt and procure another W. L. who then and at the Time of the aforesaid Election, had a Right to vote in the said Election, to give his Vote in the said Election for the said E. F. and G. H. by his the said W. G. then and there corruptly agreeing with and promising the last named W. L. as a Reward

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Reward for his fo doing, to pay him the faid W. L. by way of Loan, the Sum of five Pounds five Shillings of lawful Money of Great Britain, contrary to the Form and Effect of the faid Statute; by Reason and Means of which faid corrupt Agreement and Promise last mentioned, the last named W. L. afterwards, to wit, on the in the last Day of faid Year aforefaid, at the faid Town or Bogave his Vote for the rough of faid E. F. and G. H. at and in the faid Election, by Reason of which said Premisses last mentioned, and by Virtue of the faid Statute, an Action hath accrued to the faid E.R. to demand and have of the faid W. G. another Sum of five hundred Pounds, Residue of the said one thousand Pounds: Devertheless the faid W. G. although often required, has not yet paid to the faid F. R. the faid one thousand Pounds, or any Part thereof, but has hitherto refused and still refuses to pay the same to the said F. R. to the Damage of the faid F. R. of ten Pounds; and thereupon he brings Suit, &c.

for the Plaintiff. for the Defendant.

Pledges of Profecuting \ Richard Rec.

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Trin. Term in the 13 & 14 Geo. H.

Cooke,

Declaration in Debt on the Statute of 2 c. 13. for not fetting forth va Cædua.

Kent, to wit, 7. A. late of the faid County, Yeoman, was fummoned to answer F. P. of a Plea, that he render to him nine Pounds eighteen Shillings and Ninepence of lawful Money of Great Bri-Tythes of Syl-tain, which he owes to him and unjuftly detains, &c. And whereupon the faid F. his Attorney fays, that whereas the said Francis now is, and for divers, to wit, three Years and more last past was Vicar of the Vicarage of the Parish Church of G. in the faid County of Kent. And whereas the faid John now, and during all the Time last mentioned was Posfessor and Occupier of a large Quantity, to wit, five Acres of Wood-Land, with the Appurtenances, lying and being in the Parish of G. aforesaid, and within the Bounds, Limits and Tithable Places of that Parish. And whereas the Tithe of all Wood being Sylva Cadua, and under the Age or Growth of twenty Years, arifing or coming on or from the faid five Acres of Wood-Land with the Appurtenances, cut down for Sale thereof within forty Years next before the fourth Day of November in the second Year of the Reign of the late King Edward the Sixth, and on the same Day and Year last mentioned, was of Right due and payable to the Vicar of the Vicarage aforesaid, or to his

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his Farmer for the Time being, in it's proper Kind and Species: And whereas the faid John being so possessed of the said five Acres of Wood-Land as aforefaid, and being the Occupier thereof; And the faid Francis being Vicar of the faid Vicarage; he the said John, within the Space of three Years now last past, cut down great Quantities of Wood there growing upon the faid five Acres of Wood-Land, and being Sylva Cadua, and under the Age of twenty Years, for Sale thereof, the Tithe of which faid Wood fo growing on the faid five Acres of Wood-Land as aforesaid, and cut down for Sale thereof, did of Right belong, and was due and payable to the faid Francis, as being Vicar of the faid Vicarage, in it's proper Kind and Species, and of Right ought to have been rendered and paid to him: Nevertheless the said John being a Subject of this Kingdom, and all and fingular the Premisses well knowing, after the Cutting down of the faid Wood being Sylva Cadua, and under the Age or Growth of twenty Years, for Sale as aforesaid, that is to say, on the first Day of May in the Year of our Lord 1740, took and carried away the faid Wood from the Places where the same was so cut down, and where the same ought to have been tithed, the tenth Part thereof not being separated, divided or set out by the said John from the nine Parts Residue thereof, nor any Agreement or Composition made by the faid

faid John with the faid Francis for the Tithe thereof, contrary to the Form of the Statute in that Case made and provided. And the faid Francis avers, that the tenth Part of the faid Wood, from the other nine parts Residue thereof so as aforesaid not divided or set out, and by him the faid John fo as aforefaid taken and carried away, at the Time of taking and carrying away thereof was of the Value of three Pounds fix Shillings and Threepence of lawful Money of this Kingdom; by Reason whereof an Action hath accrued to the faid Francis to require and have from the faid John the faid Sum of nine Pounds eighteen Shillings and Ninepence, that is to fay, Treble the Value of the Tithe of the faid Wood by the faid John not separated, divided or set out from the nine parts Residue thereof, and contrary to the Form of the faid Statute taken and carried away: Devertheless the said John, although often required, the aforesaid nine Pounds eighteen Shillings and Ninepence to the faid Francis hath not rendered, but the same to him to render bath hitherto refused, and doth yet refuse, to the Damage of the faid Francis of ten Pounds; and thereof he brings Suit, &c.

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al wells to in modulation Surry, to wit, J. Cl. who profecutes as Declaration in vell for our Lord the King as for himself Debt on Stat. n this Behalf, complains of D. S. being 9 Anne, ah the Cultody of the Marshall Ge. of a Coachman for Plea, that be render to our faid Lord the carrying Letling, and the faid 7. W. who profecutes ters. s well, &c. fifty Pounds of lawful Moey of Great Britain, which he owes our aid Lord the King, and the faid 7. W. who profecutes as well, &c. and unjusty detains; For that whereas after the ublishing of a certain Act, made in he Parliament held at Westminster in the inth Year of the Reign of her late Maefty Queen Anne, intituled (An Act for Istablishing a General Post-Office for all er Majesty's Dominions, and for settling weekly Sum out of the Revenues thereof or the Service of the War, and other er necessary Occasions) to wit, on the irst Day of March in the thirteenth Year f the Reign of our faid Lord the prefent king, at the Borough of Southwark in he County aforesaid, he the said D. S. did hen and there unlawfully, and without by fufficient Authority, for Hire and Reward, receive ten Letters to be caried from the Place where they were reeived, to wit, from the Borough of Southwark aforesaid, to another Place withn this Kingdom of England to the faid W. unknown, and there to be deli-Vol. II, vered

vered to divers Persons unknown; the faid D. S. on the faid first Day of March in the Year aforesaid, not being our said Lord the King's Post-master General appointed by our faid Lord the King by any Letters Patent under the Great Seal of Great Britain, nor the Deputy or Affignee of the Right Honourable Thomas Lord Lovell and the Honourable Sir Fohn Eyles, Baronet, which faid Thomas Lord Lovell and Sir John Eyles, Baronet, on the faid first Day of March in the Year aforesaid, and constantly from that Time hitherto, by Virtue of our faid Lord the King's Letters Patent under the Great Seal of Great Britain to them granted by Virtue of the faid Statute, were and now are our faid Lord the King's Post-Master General, against the Form of the faid Statute in that Case made and provided, whereby this D. S. hath forfeited to our faid Lord the King, and to the faid 7. W. who profecutes as well, &c. the Sum of fifty Pounds of lawful Money, to wit, the Sum of five Pounds for each Letter of the aforesaid ten Letters, so as aforesaid by the said D. S. unlawfully and without any sufficient Authority received, whereby an Action hath accrued to his faid Majesty and the faid 7. W. who profecutes as well, &c. to require and have of the aforesaid D. S. the said fifty Pounds. Mevertheless the faid D. S. altho' often required, &c. hath not yet paid the faid fifty Pounds to our faid Lord the King, and

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g, id and the faid J. W. who profecutes as well, 3c. But he hath hitherto altogether refused and still doth resuse to pay the same, to the Damage of the said J. W. who prosecutes as well, 3c. of ten Pounds; and therefore he brings Suit as well on the Behalf of his said Majesty as for himself on this Behalf.

for the Plaintiff.
for the Defendant.

Pledges to profecute, are \ 70hn Doe, Richard Roe.

Easter Term in the Seventh Year of the Reign of his present Majesty George the Second, King of Great Britain, and so forth.

Middlesex, to wit, Be it temember Memorandum en, that heretosore, that is to say, of the of a precedent Term of St. Hilary last past, before the Lord the King at Westminster came Sir John Astley, Baronet, by Arthur Stone his Attorney, and brought here into the Court of the said Lord the King then there his certain Bill against Corbet Kynaston, Esquire, in Custody of the Marshal, and so forth; upon a Plea of Debt, and so forth; and there are Pledges of prosecuting, to wit, John Doe and Richard Roe, which said Bill sollows in these Words: Middlesex, to wit, Sit John Astley, Baronet, complains of

Debt on a Judgment in Pleas.

Declaration in Corbet Kynaston, Esquire, being in Custody of the Marshal of the Marshalsea of our the Common Sovereign Lord the King before the King himself, of a Plea that he render to the faid Sir 7obn 222091. lawful Money of Great Britain, which the faid Corbet owes to the faid Sir John, and unjustly detains from him; For this, to wit, That whereas the faid Sir John heretofore, that is to fay, in the Term of St. Hilary in the Twelfth Year of the Reign of his late Majesty King George the First, in his faid late Majesty's Court, before Sir Robert Eyre, Knight, and his Companions, then his faid late Majesty's Justices of the Bench at Westminster in the faid County of Middlefex, by Confideration of the same Court, recovered against the said Corbet, by the Name of Corbet Kynaston late of the Town of Salop in the County of Salop, Esquire, 22209 1. which in the same Court were adjudged to the faid Sir John for his Damages which he had fustained, as well by Occasion of the said Corbet's breaking certain Covenants made between the faid Sir John and the faid Corbet, as for the faid Sir Fobn's Costs and Charges by him laid out about his Suit in that Behalf, whereof the faid Corbet is convicted, as by the faid Record and Proceedings thereof now remaining in the Court of our present Lord the King before his Justices of the Bench at Westminster aforesaid manifestly appears; which faid Judgment still remains in full Force and Effect, no ways reversed

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reversed or annulled; and the faid Sir John hath not yet obtained his Execution against the said Corvet of his Damages aforesaid upon the said Judgment; whereby an Action has accrued to the faid Sir John to demand and have of the faid Corbet the said 22209 l. Reverthelels the faid Corbet, though often requested, has not yet paid the faid 22209 l. to the faid Sir John, but hath hitherto refuled to pay the same to him, and still doth refuse, to the Damage of the faid Sir Fohn 10,000 l. and therefore he brings this Suit, and fo forth.

And now at this Day, to wit, Wednef- Imparlance. day next after fifteen Days from Eafter Day in this same Term, until which Day the aforesaid Corbet had Leave of imparling to the aforesaid Bill, and then to anfwer, and fo forth, before the King at Westminster, comes as well the aforesaid Sir John by Arthur Stone his Attorney, as the aforesaid Corbet by H. R. his Attorney; and the aforesaid Corbet defends the Payment Force and Injury when, and fo forth, and pleaded. faith, That the faid Sir John ought not to have or maintain his faid Action against him; because he saith, That he the said Corbet before the Day of exhibiting of the faid Bill of the faid Sir John against him, to wit, on the first Day of July in the first Year of the Reign of his present Majesty at Westminster aforesaid, paid to the said Sir John the said Sum of 22209 1. And this he is ready to verify; wherefore he

prays Judgment if the faid Sir John ought to have or maintain his faid Action against him, &c.

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Replication.

and the faid Sir John faith, that he, by any Thing by the faid Corbet above in Pleading alledged, ought not to be barred from having or maintaining his faid Action thereof against him, because he the said Sir John faith, That the faid Corbet did not pay to him the faid Sir John the faid Sum of 22209 1. as the faid Corbet in his faid Plea above hath alledged; and this he prays may be inquired of by the Country; and the faid Corbet doth the like, &c. Therefore let a Jury come thereupon before the Lord the King at Westminster, on next after and who neither, and so forth, to take Knowledge, and fo forth; because as well, and so

Isue. Venire awarded.

> Hilary Term in the Twelfth Year of King George the Second.

> forth. The same Day is given to the

fame Parties there, and so forth.

Memor andum of a particular Day in the preceding Term.

Middlesex, to wit, Be it remembered, that heretosore, that is to say, on Tuesday next after fifteen Days from the Day of St. Martin in Michaelmas Term last past, before our Lord the King at Westminster Sarab Jolley came by James Turner her Attorney, and brought into the Court of our Lord the King then there her Bill against Margaret Rose, being in the Custody

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of the Marshal of the Marshalsea of our faid Lord the King, before the King himfelf, of a Plea of Debt, and there are Pledges for Profecuting, to wit, John Doe and Richard Roe, which faid Bill follows in these Words: to wit, Middlesex, to wit, Debt on a Sarah Jolley complains of Margaret Rose, Judgment being in the Custody of the Marshal of gainst the Dethe Marshalfea of our Lord the King be- fendant as an fore the King himself, of a Plea, that she Executrix) render to the faid Sarab thirty-five Pounds Suggesting a lawful Money of Great Britain, which the Devastavit. faid Margaret owes to the faid Sarab, and unjustly detains from her; for that, to wit, That whereas the faid Sarab, in this present Michaelmas Term, in the Court of our faid Lord the King before the King himself now here, to wit, at Westminster, by the Consideration of the said Court recovered against the said Margaret, by the Name of Margaret Rose, Executrix of the last Will and Testament of Isaac Stephens deceased, otherwise lately called Isaac Stephens of the Parish of Chelfea in the County of Middlesex, Carpenter, as well a certain Debt of thirty-five Pounds, as seventeen Pounds, which in the same Court here were adjudged to the

Debt on an Obligation against an Executor in the Debet and Detinet suggesting a Devastavit. Ruled for the Defendant; for the Court will not allow the Action to go further than it had been before, viz. than Debt on a Judgment. 1 Lev. 147.

faid Sarab for her Damages which she had fustained, as well by Occasion of the detaining that Debt, as for her Costs and Charges by her about her Suit in that Behalf expended, to be levied of the Goods and Chattels which were of the faid Haac at the Time of his Death, if the faid Margaret had so much in her Hands to be administered, whereof the faid Margaret was convicted, as by the Record and Proceedings thereof in the faid Court here remaining manifestly appears; and the faid Sarab in Fact fays, That the faid Margaret afterwards satisfied her the said Sarab of the faid seventeen Pounds for the Damages aforefaid; which faid Judgment still remains in full Force and Effect as to the faid Debt, no Ways reversed, annulled or fatisfied; and the faid Sarab hath not yet obtained her Execution against the said Margaret of the Debt aforesaid upon the faid Judgment. And the faid Sarab further in Fact fays, that after the faid Judgment was given in Form aforefaid, to wit, Day of November in the on the Twelfth Year of the Reign of our Sovereign Lord the now King at Westminster aforesaid in the County aforesaid, divers Goods and Chattels, which were of the faid Isaac at the Time of his Death, to the Value of the faid Debt of 35 1. came to the Hands of the faid Margaret to be administered; which aid Goods and Chattels the faid Margaret afterwards, to wit, on the same Day and Year at Westminster

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minster aforefaid, fold, eloined, wasted, converted and disposed to her own proper Use; by which an Action accrued to the faid Sarab to demand and have of the faid Margaret the faid thirty-five Pounds: Devertheles, the faid Margaret, altho' often required, &c. has not yet paid the faid thirty-five Pounds to the faid Sarah. but has intirely refused, and still does refuse, to pay her the same; whereupon she fays she is damnified, and has Damage to the Value of ten Pounds; and thereupon the brings Suit, &c.

And now at this Day, to wit, Tuesday Imparlance. next after the Octave of St. Hilary in this fame Term, to which Day the faid Margaret had Leave to imparle to the faid Bill, and then to answer, &c. before our Lord the King at Westminster, comes as well the faid Sarab Folley, by her Attorney aforesaid, as the said Margaret by Giles Taylor her Attorney; And the faid Margaret defends the Force and Injury, when, &c. and fays, That the faid Sarah Plea Nul tiel ought not to have or maintain her faid Record. Action against her the said Margaret, because she says, that there is no such Record of the Recovery aforefaid in the faid Court of our faid Lord the King now here remaining, as the faid Sarab by her Declaration has above supposed. And this the is ready to verify; whereupon she prays Judgment if the faid Sarab ought to have or maintain her faid Action against her the faid Margaret, &c.

dub

Replication, Habetur tale Recordum.

and the faid Sarab fays, That she, by any Thing before alledged by the faid Margaret in pleading, ought not to be barred from having her aforesaid Action against the said Margaret; because she fays, That there is fuch Record of the Recovery aforesaid remaining in the said Court of our faid Lord the King now here before the King himself, to wit, at Westminster aforesaid, as she the said Sarah has by her faid Declaration above suppofed. And this the is ready to verify by that Record, as appears in Trinity Term in the Eleventh and Twelfth Years of the Reign of our faid Lord the now King, in Roll; and she prays that the faid Term and Roll may by the faid Court of our faid Lord the King now here be viewed and inspected; and because it is necessary that the faid Record be viewed and inspected before that Judgment in this Behalf be given, a Day for that Purpose is given by the Court here before our Lord the King at Westminster, until Wednesday next after fifteen Days from the Day of Easter; and the same Day is also given to the Parties aforesaid at the fame Place.

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Pleas before our Lord the King at B. R. a Nisi Westminster, of the Term of the Prius Record. Holy Trinity in the Year of the Reign of our Sovereign Lord now King of

Middlesex, 25 & it remembered, That Memorandum to wit, heretofore, to wit, in Ea- of a Declarafer Term last past, before our Lord the tion of a pre-King at Westminster came S. D. Gent. by 7. L. his Attorney, and brought into the Court of our faid Lord the King then there his certain Bill against 7. A. Esq; otherwise called 7. A. of the Inner Temple, London, Esq; being in the Custody of the Marshal of the Marshalsea of our Lord the King before the King himself, of a Plea of Debt; and there are Pledges of Profecuting, namely, John Doe and Richard Roe; which faid Bill follows in these Words, to wit, Middlesex, to B. R. Debt wit, S. D. Gentleman, complains of on a Bond. 7. A. Esq; otherwise called 7. A. of the Inner Temple, London, Esq; being in the Custody of the Marshal, &c. of a Plea, that he render to him one hundred and thirty Pounds of lawful Money of England, which he owes him and unjustly detains; For that, to wit, That whereas the said John on the seventeenth Day of April in the Year of our Lord one thoufand feven hundred and thirty-five, at Westminster

The Attorney's Practice

Profert.

Breach:

minster in the County aforesaid, by his Writing Obligatory, fealed with the Seal of the faid John, and to the Court of our faid Lord the now King here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Samuel in the said one hundred and thirty Pounds, to be paid to the faid Samuel when he should be thereto afterwards required: Det the faid John, although often required, &c. has not yet paid the faid one hundred and thirty Pounds to the faid Samuel, but has hitherto intirely refuled and still does refuse to pay him the same, to the Damage of the faid Samuel of twenty Pounds; and thereupon he brings Suit, &c.

Imparlance.

And now at this Day, that is to fay, on Friday next after the Morrow of the Holy Trinity in this fame Term, to which Day the faid John had Leave to imparl to the faid Bill, and then to answer thereunto, before our Lord the King at Westminster come as well the said Samuel by his Attorney aforesaid, as the said Fohn by 7. M. his Attorney. and the faid John defends the Force and Injury when, &c. and fays, that he ought not to be charged with the faid Debt by Virtue of the faid Writing; because he fays, that that Writing is not his Deed; and of this he puts himself upon the Country: and the said Samuel does so likewise, &c. Therefore let a Jury come thereupon

before

Plea, Non est factum.

Ifue. Venire abefore our Lord the King at Westminster, on Wednesday next after the Octave of the Holy Trinity; and who neither, &c. to recognize, &c. because as well, &c. The same Day is given to the Parties aforesaid at the same Place, &c.

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Pleas before our Lord the King at Westminster, of the Term of the Holy Trinity in the Year of the Reign of our Sovereign Lord now King of Gc.

Middlesex, The Jury between S. D. The Jurat. Plaintiff, and John A. Esq; otherwise called John A. of the Inner Temple, London, Esq; Defendant, of a Plea of Debt, are respited before our Lord the King at Westminster, until Tuesday next after three Weeks of the Holy Trinity, unless the King's Right Trusty and Wellbeloved Sir W. L. Knight, his Majefty's Chief Justice, assigned to hold Pleas in the Court of our Lord the King before the King himself, shall first come on Monday next after the faid three Weeks of the Holy Trinity at Westminster, in the great Hall of Pleas there, by the Form of the Statute, &c. for Default of the Jurors, &c. Therefore let the Sheriff have the Bodies, &c. The same Day is given

The Attorney's Practice 30

> given to the Parties aforesaid at the same Place.

> Easter Term in the Fifteenth Tear of King George the Second.

Cooke,

Middlesex, to wit, John Doe, late of Debt on a Bond in C. B. Westminster in the County of Middlesex,

Gentleman, otherwise called John Doe, late of Portsmouth in the County of Southampton, Gentleman, was fummoned to answer Richard Roe of a Plea, that he render to him two hundred Pounds which he owes him and unjustly detains, &c. And whereupon the faid Richard Roe by 7. S. his Attorney fays, That whereas the faid John Doe, on the first Day of June in the fourteenth Year of the Reign of our Lord the King, at Westminster in the County of Middlefex, by his Writing Obligatory, acknowledged himfelf to be bound to the faid Richard Roe in the faid two hundred Pounds, to be paid to the faid Richard Roe when he should be thereto required: Det the faid John Doe, altho' often required, has not yet rendered the faid two hundred Pounds to the faid Richard Roc, but has hitherto refused and still does refuse to render to him the fame: Wherefore he fays, that he is in-

Breach.

jured and hath Damage to the Value of twenty Pounds; and thereupon he brings Suit, &c. Ith he brings here into Profert. Court the faid Writing which testifies

the faid Debt in Form aforesaid, the Date whereof is on the Day and Year aforesaid, &c.

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Easter, 13 Geo. II.

Cooke, Nottinghamshire, to wit, D. B. late of Declaration in Debt by Baron in the faid County and Feme, on in the a Bond to the otherwise called D. B. of County of was fummoned to an- Feme whilft fwer 7. R. and Margaret his Wife, (lately Sole. called Margaret M.) of a Plea, that he render to them thirty-two Pounds of lawful Money of Great Britain, which he owes and unjustly detains from them, &c. And whereupon the faid John and Margatheir Attorney complain, That ret by whereas the faid Daniel on the first Day of May in the Year of our Lord 1736, at Mansfield in the faid County of Nottingham, by his certain Writing Obligatory, fealed with the Seal of him the faid Daniel, acknowledged himself to be held and firmly bound unto the faid Margaret whilft she was sole by the Name of Margaret M. of B. in the County aforesaid, Victualler and Grocer, in the aforesaid thirty-two Pounds of good and lawful Money of Great Britain, to be paid to the faid Margaret M. her Heirs, Executors, Administrators, or Assigns, or any of them, when he should be afterwards

Daniel the aforesaid thirty-two Pounds,

or any Part thereof, to the faid Margaret whilst she was Sole, or to them the faid 70bn and Margaret after the Marriage between them celebrated, hath not rendered (although often thereto requested) but hath wholly refused and still doth refuse to render the same to the said John and Margaret, to the Damage of them the faid John and Margaret of forty Pounds; and thereupon they bring this Suit : And the aforefaid John and Margaret bring here into Court the aforefaid Writing Obligatory of the faid Daniel, which testifies the Debt aforesaid in Form aforesaid. the Date whereof is the Day and Year abovefaid.

Profert.

B. R. Debt on a Bond by the surviving Obligee against the Executor of the Obligor.

Middlesex, to wit, J. C. complains of W. A. one of the Servants to W. B. Efg; being in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, Executor of the Testament and last Will of W. A. his late Father, deceased, otherwise called W. A. of the Town of Buckingham in the County of Bucks, Draper, of a Plea, that he render to him fix hundred Pounds of lawful Money of Great Britain, which he unjustly detains; for that, to wit, That whereas the faid W. A. the Te-Stator in his Life-time, to wit, on the twelfth Day of November in the twentyfeventh Year of the Reign of our late Sovereign Lord Charles the Second, late King

King of Great Britain, &c. at Westminfer in the County of Middlesex aforeaid, by his Writing Obligatory, sealed with the Seal of the faid William Atton he Testator, in his Life-time, All to Profert of the he Court of our faid Lord the now King Bond. here shewn, the Date whereof is on the ame Day and Year, acknowledged himfelf to be held and firmly bound to the aid John Clarke, and to one John Wilson, Gentleman, now deceased, in the said six hundred Pounds to be paid to the faid John Clarke and John Wilson, when he hould be thereunto afterwards required: Det the said William Atton the Testator Breach. n his Life-time, and the faid William Atton the now Defendant, after the Death of the faid William Atton the Testator, Ithough often required, &c. have not, nor has either of them paid the faid fix hundred Pounds to the faid John Clarke and John Wilson, or to either of them in the Life-time of the faid John Wilson, or to the said John Clarke after the Death of the said John Wilson, but have refused to pay them the same: And the said William Atton the Executor still refuses to pay the same to the said John Clarke, to the Damage of the faid John Clarke of forty Pounds: And thereupon he brings Suit, 83c.

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London,

B. R. Debt on a Bond by the King's Grantee of the Effate and Effects of the Obligee, who was attainted of High Treason.

London, to wit, The most illustrious Prince the Duke of Tork complains of E. F. Gentleman, otherwise called, &c. being in the Custody of the Marshal, &c. of a Plea, that he render to him two hundred Pounds of lawful Money of England [Great Britain] which he owes him, and unjustly detains, for this, to wit, That whereas the faid E. on the twenty-fixth Day of April in the Year of our Lord one thoufand, &c. at London, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing Obligatory, fealed with the Seal of the faid E. and to the Court of our faid Lord the now King here shewn, the Date whereof is on the Day and Year aforesaid, acknowledged himself to be held and firmly bound to one T. W. late of M. in the County of R. Efq; in the faid two hundred Pounds, to be paid to the faid T. when he should be thereto required: And also whereas by a certain Act in the Parhament of our Lord the now King, be-

gun and held at Westminster in the County of Middlesex, on the twenty-fifth Day of April in the twelfth Year of his Reign, and there continued to the twenty-ninth Day of December thence next following, the said T. amongst others was duly and lawfully convicted and attainted of High Treason; by which the said Writing and the Money by the same due became forseited to our Lord the now King: And

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afterwards, to wit, on the third Day of The King's April in the thirteenth Year of the Reign Grant. of our faid Lord the now King, by his Letters Patent under his Great Seal of England, bearing Date at Westminster he same Day and Year last mentioned. gave and granted to the faid Duke of fork and his Assigns for ever all the Goods, Debts, and other Chattels personal whatoever of the faid T. W. and of the other Persons so convicted and attainted of High Treason as aforesaid, wherein, or of which the faid T. W. stood possessed in Law or Equity, by which the faid Duke of York is now become interested and initled in and to the faid Writing amongst he rest of the Goods, Debts, and Chatels of the faid T. W. by which an Action has accrued to the faid Duke to demand and have of the faid E. the faid two hundred Pounds: Det the faid E. although Breach. often required, &c. has not yet paid the said two hundred Pounds to our said Lord the King, or to the faid Duke, but has hitherto intirely refused to pay them the same, and still refuses to pay the same to the faid Duke, to the Damage of the faid Duke of forty Pounds: And thereupon he brings Suit, &c.

London, to wit, Sir Edward Northey, B. R. Debt Knight, Attorney General of our Sove-on a Bond to the late King reign Lady the now Queen, who profe-William, cutes for our faid Lady the Queen, com-presented by plains of Richard Davis, otherwise called the Attorney D 2 Richard General.

Richard Davis of the Parish of St. Edmund the King, London, Wine-Cooper, being in the Custody of the Marshal, &c. of a Plea, that he render to our faid Lady the Queen two thousand Pounds of lawful Money of England, which he owes to our faid Lady the Queen, and unjustly detains, for that, to wit, That whereas the faid Richard, on the thirty-first Day of July in the Year of our Lord one thousand seven hundred and one, at London aforesaid, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing Obligatory, fealed with the Seal of the faid Richard, And to the Court of our faid Lady the Queen now here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to his most excellent Majesty William the Third, late King of England, now deceased, in his Life-time, in the faid two thousand Pounds to be paid to his faid Majesty the late King, or to his Successors, when he should be thereunto afterwards required: Det the faid Richard, although often required, &c. has not yet paid the faid two thousand Pounds to his faid late Majesty King William in his Life-time, or to our faid Sovereign Lady Anne, now Queen of England, fince the Decease of his faid late Majesty King William, but intirely refused to pay the fame to his faid late Majesty King William

in his Life-time, or to our faid Lady the now Queen fince the Death of his faid

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late Majesty, and still refuses to pay the fame to our faid Lady the now Queen, to the Damage of our faid Lady the now Queen of one hundred Pounds: And thereupon the faid Attorney General of our faid Lady the now Queen for our faid Lady the now Queen brings this Suit, &c.

Middlesex, to wit, Frances O. Widow, C.B. Bill in by Robert B. her Attorney, complains of Debt on a R. P. one of the Attorneys of the Court Bond against of our Lady the Queen of the Bench here, an Attorney. otherwise called Robert P. of the City of L. in the County of the same City, Gentleman, present here in Court in his proper Person, for that, that he has not rendered to the same Frances one hundred and twenty Pounds which he owes her, and unjustly detains, &c. for that, to wit, That whereas the faid Robert, on the fifteenth Day of July in the third Year of the Reign of our Sovereign Lady Anne, now Queen of England, at Westminster in the County of Middlesex aforesaid, by his Writing Obligatory, had acknowledged himself to be bound to the said Frances in the faid one hundred and twenty Pounds to be paid to the faid Frances when he should be thereto required: Det the said Breach. Robert, although often required, has not yet rendered the faid one hundred and twenty Pounds to the faid Frances, but has hitherto refused and still does refuse to render her the same; wherefore the D 3

Profert.

The Attorney's Practice

faid Frances says, that she is injured, and hath Damage to the Value of twenty Pounds: And thereupon she prays Remedy, &c. And she brings here into Court the said Writing, which testifies the said Debt in Form aforesaid, the Date whereof is on the Day and Year aforesaid.

Unless the Defendant shall appear on Saturday next after the Morrow of the Ascension of our Lord, let him be forejudged the Court.

By the Court.

Cooke.

B. R. Debt on a Bond by the surviving Executor of the Obligee.

London, to wit, John Birkhead, Gentleman, Executor of the Testament and last Will of Dorothy Birkhead, Widow, deceased, complains of Anthony Rowe, Esq; otherwise called Anthony Rowe of the Parish of St. Martin in the Fields in the County of Middlefex, being in the Custody of the Marshal, &c. of a Plea, that he render to him one thousand and four hundred Pounds of lawful Money of Great Britain, which he unjustly detains, for this, to wit, That whereas the faid Anthony on the twenty-eighth Day of May in the twelfth Year of the Reign of the Sovereign Lord George the First, late King of Great Britain, &c. at London aforesaid, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing

Writing Obligatory, fealed with the Seal of the faid Anthony, and to the Court Profert of the of our Lord the now King here shewn, Bond. the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Dorothy in her Life-time in the faid one thousand and four hundred Pounds, to be paid to the faid Dorothy when he should be afterwards thereto required: Bet the faid An- Breach. thony, although often required, &c. the faid one thousand and four hundred Pounds to the faid Dorothy in her Life-time, or to the said John after the Decease of the faid Dorothy, or to either of them, has not yet paid, but the faid Anthony has hitherto intirely refused to pay the said one thousand and four hundred Pounds to the faid Dorothy in her Life-time, and to the said John after the Decease of the said Dorothy, and still refuses to pay the same to the faid Fohn, to the Damage of the faid John of twenty Pounds: And thereupon he brings Suit, &c. And the faid Profert of the John brings here into Court the Letters Probate. Testamentary of the said Dorothy, by which it fufficiently appears to the Court here, that the faid John is the Executor of the faid Testament of the faid Dorotby, and has the Administration thereof, &c.

Middlesex, to wit, Margaret Joyner, Wi- B. R. Deb dow, Executrix of the Testament and last on Bond by Will of Robert Joyner, complains of 70 the Executring of the Obligee nathan Horwood of the Parish of St. Mar- against an garet Attorney. D 4

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garet Westminster in the County of Middlesex, Gent. one of the Attorneys of the Court of our Lord the King, before the King himself being present here in Court in his proper Person, otherwise called, &c. of a Plea, that he render to her one hundred Pounds of lawful Money of Great Britain, which he priustly detains from her, for that, to wit, That whereas the faid Jonathan, on the seventh Day of May in the thirty-fixth Year of the Reign of his late Majesty George the First, late King of Great Britain, &c. at Westminster in the County of Middlesex aforefaid, by his Writing Obligatory, fealed with the Seal of the faid Fonathan, And to the Court of our faid Lord the now King here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Robert in his Life-time in the faid forty Pounds, to be paid to the faid Robert when he should be thereunto afterwards required : Det the faid, &c.

Prafert.

Breach.

London, to wit, Edward Frith and M. B. R. Debt his Wife, Executrix of the Testament and on a Bond by last Will of Samuel Maston lately deceased, Baron and Feme, Execucomplain of Robert Heard, Administrator rix of the of all and fingular the Goods and Chat-Obligee 4gainst the Ad-tels, Rights and Credits which were of ministrator of John Heard late of Ware in the County of the Obliger. Hertford, Yeoman, deceased, otherwise called, &c. being in the Custody of the Marshal, &c. of a Plea, that he render to them

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em forty Pounds, &c. of lawful Moy of Great Britain, &c. which he unftly detains from them; for that, to t, That whereas the faid John in his fe-time, to wit, on the thirty-first Day March in the Year of our Lord one oufand fix hundred and eighty-eight, at ondon aforesaid, to wit, in the Parish of . Dunstan in the West in the Ward of arringdon Without, by his Writing Obliatory, fealed with the Seal of the faid obn in his Life-time, and to the Court Profert of the four faid Lord the now King here shewn, Bond. he Date whereof is on the same Day and ear, acknowledged himself to be held nd firmly bound to the faid Samuel in his life-time in the faid forty Pounds, to be aid to the faid Samuel when he should be hereunto afterwards required: Det the Breach. aid John in his Life-time, or the faid Roert after his Death, although often reuired, &c. have not paid, nor has either of them paid the faid forty Pounds to the aid Samuel in his Life-time, or to the faid Margaret after his Death whilst she was Sole, or to the faid Edward and Margaret after the Marriage between them celebrated, but the faid John in his Life-time intirely refused, and after his Death the said Robert still refuses to pay the same, and unjustly detains, to the Damage of the faid Edward and M. of ten Pounds: And thereupon they bring Suit, &c. said Edward and Margaret bring here into Probate. Court the Letters Testamentary of the

And the Profest of the

Testament

Testament and last Will of the said Samuel, whereby it sufficiently appears to the Court here, that the said Margaret is Executrix of the said Testament, and thereof has the Administration, &c.

B. R. Deht on a Bond by the surviving Executor of the Obligee.

Suffex, to wit, Henry Crawley, Executor of the Testament and last Will of Nicholas Chaloner deceased, complains of Thomas Holloway, otherwise called Thomas Holloway of the Parish of Meeching, otherwife Newbaven in the County of Suffex, Butcher, being in the Custody of the Marshal, &c. of a Plea, that he render to him thirty and two Pounds of lawful Money of Great Britain, which he unjustly detains from him, for this, to wit, That whereas the faid Thomas on the twenty. fourth Day of December in the eighth Year of the Reign of our Sovereign Lord George the Second now King of Great Britain, &c. at Lewes in the County aforefaid, by his Writing Obligatory, fealed with the Seal of the faid Thomas, And to the Court of our faid Lord the now King here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Nicholas in his Life-time in the faid thirty and two Pounds, to be paid to the said Nicholas in his Life-time, his Executors or Administrators, when he should be thereunto afterwards required: Det the faid Thomas, although often required, &c. has not paid the faid thirty and two Pounds

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ounds to the faid Nicholas in his Lifeme, nor to the faid Henry after the Deease of the said Nicholas, nor to Thomas baloner now deceased, Executor with the aid Henry of the said Testament of the aid Nicholas Chaloner, or to any one of hem, which faid Thomas Chaloner the faid Henry furvived, but intirely refused to pay he same to the said Nicholas in his Lifeime, or to the faid Henry and Thomas, or either of them, after the Death of the aid Nicholas, and still refuses to pay the same to the said Henry, and unjustly deains the same in Delay of the faithful Execution of the faid Testament of the faid Nicholas, and to the Damage of the faid Henry of twenty Pounds: And thereupon he brings Suit, &c. and the faid Profert of the Henry brings here into Court the Letters Probate. Testamentary of the said Nicholas, by which it sufficiently appears to the Court of our faid Lord the now King here, that he the faid Henry and the faid Thomas Chaloner now deceased were the Executors of the faid Testament and last Will of the faid Nicholas, and thereof had the Admini-Itration, &c.

London, to wit, John Drury and Timo- B. R. Debt thy Dayley, Executors of the Testament on a Bond by and last Will of Elizabeth Hickey deceased, the Executors who was the Executrix of the Testament trix of the and last Will of Matthew Hickey, also de- Obligee aceased, complain of Richard Monger, Ad-gainst the Administrator of all and fingular the Goods ministrator of

and the Obligor.

and Chattels, Rights and Credits, which were of Peter Monger lately deceased, o therwise called Peter Monger of the Paris of St. Buttolph without Aldgate in the County of Middlesex, Brewer, in the Ca stody of the Marshal, &c. of a Plea, that he render to them two hundred Pound of lawful Money of Great Britain, which he unjustly detains, &c. for this, to with That whereas the faid Peter Monger in his Life-time, to wit, on the twenty-second Day of Fanuary in the Year, & at, &c. by his Writing Obligatory, fealed with the Seal of the faid Peter in his Profert of the Life-time, and to the Court of our faid Lord the now King here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and

Breach.

firmly bound to the faid Matthew Hicker in his Life-time in the faid two hundred Pounds, to be paid to the faid Matthew, his Executors or Affigns, when he should be thereunto afterwards required: Det the faid Peter Monger in his Life-time, or the faid Richard after the Death of the faid Peter, although often required, &c. have not paid the faid two hundred Pounds to the faid Matthew in his Life-time, or to the faid Elizabeth in her Life-time after the Death of the faid Matthew, or to the faid John and Richard or either of them, after the Death of the faid Elizabeth, but

have refused to pay the same to them of either of them; and the faid Richard still refuses to pay the same to the said 70hn

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nd Timothy, and unjustly detains: Wherebre they fay, that they are injured and ave Damage to the Value of twenty ounds: And thereupon they bring Suit, and the faid John and Timothy bring Profert of the ere into Court as well the faid Letters Probate of the Testamentary of the said Matthew, by Will of the which it sufficiently appears to the Court Obligee. here, that the faid Elizabeth was the Executrix of the faid Testament of the faid Matthew, and thereof had the Administration, &c. as the faid Letters Testa- And of Promentary of the faid Elizabeth, by which bate of the it sufficiently appears to the Court here, Will of bis that the faid John and Timothy are the Executors of the faid Testament of the faid Elizabeth, and thereof have the Administration, &c.

London, to wit, George Lyfons, Gentle- B. R. Debt man, complains of Dame Mary Stapley, on a Bond a-Widow, Executrix of the Testament and gainst the last Will of Sir John Stapley, Knight and Executrix of Baronet, her late Husband, deceased, otherwise called Sir John Stapley of Briel in the County of Suffex, Knight and Baronet, being in the Custody of the Marshal of the Marshalfea of our Lady the Queen, before the Queen herself, of a Plea, that she render to him two hundred Pounds of lawful Money of England [Great Britain] which she unjustly detains, for that, to wit, That whereas the faid Sir John in his Life-time, to wit, on the twenty-ninth Day of October in the Year of our Lord

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one thousand fix hundred and eighty-nine

Profert.

Breach.

at London, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing Obligatory, fealed with the Seal of the faid Sir John, and to the Court of our Lady the now Queen here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid George in the faid two hundred Pounds, to be paid to the faid George when he should be thereunto required: Bet the faid Sir John in his Life-time, and the faid Mary after the Death of the faid Sir Fohn, although often required, &c. have not nor has either of them paid the faid two hundred Pounds to the faid George, but they have hitherto intirely refused to pay him the fame; and the faid Mary still refuses to pay him the same, and unjustly detains, to the Damage of the faid George of one hundred Pounds: And thereupon he brings Suit, &c.

Plea, Non est factum testatoris.

Venire facias award-

When, &c. and says, that she ought not to be charged with the said Debt by Virtue of the said Writing; because she says that the said Writing is not the Deed of the said Sir John Stapley, Knight and Baronet: And of this she puts herself upon the Country: And the said George does so likewise: Therefore let a Jury there-upon come before our Lady the Queen at Westminster, &c. on next after

and who neither, &c. to recognize,

ize, &c. The same Day is given to the arties aforesaid at the same Place, &c.

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Middlefex, to wit, Mary Pettyward, Wi- B. R. Debt ow, complains of John Kent, Efq; and on a Bond a-Vicholas Fenn, Gentleman, Executors of Executors of he Testament and last Will of Richard the Obligor. Kent, Esq; otherwise called Richard Kent of Corsham in the County of Wilts, Esq; n the Custody of the Marshal, &c. of a Plea, that they render to her two thouand Pounds of lawful Money of England Great Britain] which they unjustly deain from her; for that, to wit, That whereas the faid Richard in his Life-time, o wit, on the twenty-fifth Day of March in the Year of our Lord one thousand fix hundred and ninety, at Westminster in the County of Middlesex aforesaid, by his Writing Obligatory, fealed with the Seal of the faid Richard in his Life-time, And Profest. to the Court of our faid Lord and Lady the now King and Queen here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Mary in the faid two thousand Pounds, to be paid to the faid Mary when he should be thereunto afterwards required: Det the faid Breade. Richard in his Life-time, and the faid John and Nicholas or either of them after the Death of the faid Richard, although often required, &c. have not yet paid, nor has either of them paid the faid two thousand Pounds to the said Mary, but thethe faid Richard in his Life-time intirely refused to pay the same to the said Mary; and the faid John and Nicholas after the Death of the faid Richard still intirely refuse to pay the same to the said Mary and unjustly detain, to the Damage of the faid Mary of twenty Pounds: And thereupon she brings Suit, &c.

Fudgment. of Affets in futuro.

8 Rep. 134.

And for that the faid Mary Pettyward cannot deny but that the said John and Nicholas have not, nor on the Day of exhibiting the Bill of the faid Mary or at 2 Saund. 226. any Time afterwards had, any Goods or Chattels which were of the faid Richard at the Time of his Death in the Hands of the said John and Nicholas to be ad-

ministred, sufficient to satisfy to the said Mary the faid Debt, the faid Mary prays Judgment, and her faid Debt to be adjudged to her, to be levied of the Goods and Chattels which were of the faid Richard at the Time of his Death, and which hereafter shall come to the Hands of the faid John and Nicholas to be administred: Therefore it is considered, that the faid Mary recover against the faid John and Nicholas her faid Debt, to be levied of the Goods and Chattels which were of the faid Richard at the Time of his Death, and which hereafter shall come to the Hands of the said John and Nicholas to be administred; and the faid

John and Nicholas in Mercy, &c.

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London, to wit, Robert Moore, Efq; B. R. Debt Administrator of the Goods and Chattels, on a Bond by kights and Credits, which were of Anne the Admini-Browne, otherwise Newton, deceased, at Obligee. he Time of her Death who died intetate, complains of Anthony Rowe of the Parish of St. Martin in the Fields, othervise called, &c. being in the Custody f the Marshal, &c. of a Plea, that e render to him one thousand Pounds of Great Britain, f lawful Money which he unjustly detains; for that, to vit, That whereas the faid Anthony on he twenty-seventh Day of November in he thirty-fourth Year of the Reign of our late Sovereign Lord Charles the Seond late King of England, &c. [Great Britain at London aforesaid, to wit, in the Parish of St. Sepulchre in the Ward of Parringdon Without, by his Writing Obligatory, fealed with the Seal of the faid Anthony, and to the Court of our Lord Profest of the the now King here thewn, the Date whereof Bond. is on the Day and Year aforesaid, acknowledged himfelf to be held and firmly bound to the said Anne by the Name of Anne Newton of London, Widow, in the faid one thousand Pounds, to be paid to the said Anne when he should be afterwards thereto requested: Det the faid Anthony, Breach. although often required, &c. has not yet paid the said one thousand Pounds to the faid Anne in her Life-time, or to the faid Robert after the Death of the faid Anne, Vol. II.

Adminifiration committed.

(to which faid Robert after the Death of the faid Anne, to wit, on the thirty-first Day of Fanuary in the Year of our Lord one thousand fix hundred and ninety-five, Administration of the Goods and Chattels, Rights and Credits, which were of the said Anne at the Time of her Death, was in due Manner committed by Thomas by Divine Providence Archbishop of Canterbury, Primate of all England, and Metropolitan, to whom the Committing of that Administration of Right belonged) or to either of them, but the faid Anthony refused to pay the said one thousand Pounds to the faid Anne in her Life-time. and to the faid Robert after the Death of the faid Anne; and the faid Anthony still refuses to pay the same to the said Robert, to the Damage of the faid Robert of one hundred Pounds: And thereupon

ministi ation.

Profert of the he brings Suit, &c. and the faid Robert Letters of Ad- brings here into Court the Letters of Administration aforesaid, which testify the Committing the faid Administration in Form aforefaid, &c.

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B. R. Deht on several Bonds by Administratix of the Obligee.

Middlefex, to wit, Elizabeth Wilkinson, Widow, Administratix of all and singular the Goods and Chattels, Rights and Credits, which were of Christopher Wilkinson her late Husband, deceased, complains of Samuel Weale, Gent. otherwise called Samuel Weale of Landreth in the County of Cornwall, Gent. otherwise called Samuel Weale of St. Dunftan in the West, London, Gentleman,

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Gentleman, being in the Custody of the Marshal, &c. of a Plea, that he render to her ninety Pounds of lawful Money of Great Britain, which he unjustly detains; for that, to wit, That whereas 1. Bond. the faid Samuel on the fixteenth Day of December in the Year of our Lord one thousand fix hundred and ninety, at Westminster in the County aforesaid, by his Writing Obligatory, fealed with the Seal of the said Samuel, and to the Court of Profert. our Lord the now King here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Christopher Wilkinson in his Life-time, in twenty Pounds Parcel of the faid ninety Pounds, to be paid to the faid Christopher when he should be thereunto afterwards required: And also whereas the faid Samuel after- 2. Bond. wards, to wit, on the twenty-ninth Day of September in the Year of our Lord one thousand six hundred and Westminster aforesaid in the County aforelaid, by his other Writing Obligatory, also sealed with the Seal of the said Samuel, and to the Court of our faid Profert. Lord the now King here also shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Christopher Wilkinson in his Life-time in other twenty Pounds, other Parcel of the said ninety Pounds, to be also paid to the said Christopher when he should be thereunto after3. Bend.

Profert.

afterwards required : And also whereas the faid Samuel afterwards, to wit, on the faid twenty-ninth Day of September in the Year of our Lord last aforesaid, at Westminster aforesaid in the County aforesaid, by his other Writing Obligatory also fealed with the Seal of the faid Samuel, and to the Court of our faid Lord the now King here also shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the said Christopher Wilkinson in his Life-time in other twenty Pounds, other Parcel of the faid ninety Pounds, to be also paid to the said Christopher when he should be thereunto afterwards required: And also whereas the faid Samuel afterwards, to wit, on the same Day and Year last abovesaid, at Westminster aforesaid in the County aforesaid, by his other Wri-

4. Bond.

Profert.

5. Bond.

Profert.

our faid Lord the now King here also shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the said Christopher in his Life-time in other twenty Pounds, other Parcel of the said ninety Pounds, to be also paid to the said Christopher when he should be thereunto afterwards required: And also whereas

ting Obligatory, also sealed with the Seal of the said Samuel, and to the Court of

and Place last abovesaid, by his other Writing Obligatory, also sealed with the Seal of the said Samuel, and to the Court

the faid Samuel on the fame Day, Year

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of our faid Lord the now King here also shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound to the faid Christopher in his Life-time in ten Pounds, Residue of the said ninety Pounds, to be also paid to the said Christopher when he should be thereunto afterwards required: Bet the faid Samuel, although often re- Brea.b. quired, &c. has not paid the faid ninety Pounds to the faid Christopher, in his Lifetime, nor to the faid Elizabeth after the Death of the faid Christopher (to which Administrafaid Elizabeth, on the

in the Year of our Lord at Westminster aforesaid in the County aforesaid, Administration of all and fingular

the Goods and Chattels, Rights and Credits, which were of the faid Christopher at the Time of his Death, was in due Form of Law committed by to whomthe Committing the faid Administration of

Right belonged) but the faid Samuel intirely refused to pay the same to the faid Christopher in his Life-time, or to the faid Elizabeth after the Death of the faid Chri-

flopher, and still refuses to pay the fame to the faid Elizabeth, and unfustly detains, to the Damage of the faid Elizabeth of forty

Pounds: And thereupon the brings Suit, and the brings here into Court the Profest of the

Letters of Administration aforesaid, which Letters of Adtestify the Committing the said Admini- ministration. stration in Form aforesaid, the Date where-

of is on the Day and Year aforefaid, &c.

Day of tion committed

Of Easter Term in the Ninth Year of the Reign of King George the Second.

Memcrandum of a precedent Term.

London, to wit, Be it remembered, That heretofore (that is to fay) of the Term of St. Hilary last past, came before our Sovereign Lord the King at Westminfter William Lone and Elizabeth his Wife, Administratrix of all and fingular the Goods and Chattels, Rights and Credits which were of James Kirwan her late Husband deceased, by George Woodcraft their Attorney, and brought here into the Court of our faid Lord the King then there their Bill against Nicholas Gallwey, otherwise called Nicholas Gallwey of the Island of St. Christopher's, Merchant, being in the Custody of the Marshal of the Marshalfea of our said Lord the King, before the King himself, in a Plea of Debt; and there are Pledges to profecute, to wit, John Doe and Richard Roe; which faid Debt by Baron Bill follows in these Words: London, to wit, William Lone and Elizabeth his Wife, Administratix of all and fingular the Goods and Chattels, Rents and Credits which were of James Kirwan her late Husband deceased, complains of Nicholas Gallwey, otherwise called Nicholas Gallwey of the Island of St. Christopher's, Merchant, in the Custody of the Marshal of the Marshalfea of our Lord the King, being before the King himself, of a Plea, that he render to them

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631 1. of lawful Money of Great Britain, which he unjustly detaineth from them; or that whereas the faid Nicholas on the wentieth Day of January in the seventh Year of the Reign of our late Sovereign Lord George, late King of Great Britain, 3c. at London, (to wit) in the Parish of St. Mary Le Bow in the Ward of Cheap, by a certain Writing Obligatory, fealed with the Seal of him the said Nicholas, and now shewn to the Court of our said Profert. Lord the King here, bearing Date the Day and Year last above mentioned, did acknowledge himself to be held and firmly bound to the said Fames in the said Sum of 2631 l. to be paid to the faid fames or his certain Attorney, Executors, Admihistrators or Assigns, whenever he should be requested so to do: Nevertheless the I reach. laid Nicholas, although he by the faid fames in his Life-time, and by the faid William and Elizabeth (after the Celebration of the Marriage between them, and after the Death of the said James) was thereunto requested, bath not paid the faid Sum of 2631 l. or any Part thereof, either to the faid fames in his Life-time, or to the said William and Elizabeth, or either of them, after the Death of the faid James (to which faid Elizabeth Admini- Administre stration of all and fingular the Goods and tion committed Chattels, Rights and Credits, which were ted. of the said James Kirwan deceased at the Time of his Death, who died intestate, by William by Divine Providence Arch-

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bishop

bishop of Canterbury, Primate and Metropolitan of all England, after the Decease of the faid Fames, at London aforesaid in the Parish aforesaid, on the seventh Day of November in the Year of our Lord one thousand seven hundred and thirty, was duly committed) but hath hitherto refused to pay to them, or either of them, the faid 2631 1. and still refuseth to pay the same to the faid William and Elizabeth or either of them, in Delay of the Execution of the Administration of the Goods and Chattels, Rights and Credits of the faid Fames; whereupon they the faid William and Elizabeth fay they are injured, and have Damage to the Amount of 201. And Profest of Let- therefore they bring their Suit, &c. And the faid William and Elizabeth bring here into Court the Letters Administratory a. foresaid of the said Archbishop, which are dated the Day and Year abovefaid, by which it may fufficiently appear, that the faid Elizabeth hath the Administration of all and fingular the Goods and Chattels, Rights and Credits which belonged to the faid Fames at the Time of his Death, committed to her in Form aforefaid.

ters of Adminiftration.

Imparlance.

and now at this Day, that is to fay, Wednesday next after fifteen Days from the Feast of Easter in this same Term, until which Day the faid Nicholas had Leave to imparle to the faid Bill, and then to answer the same as he should be advised, before our Sovereign Lord the King at Westminster, came as well the said

William

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Villiam and Elizabeth by their faid Atrney, as the faid Nicholas by Arthur one his Attorney; and the faid Nicholas efends the Force and Injury when, &c. nd craves Oyer of the faid Writing Ob- Oyer of Obgatory; and it is read to him in these ligation. Vords; that is to fay, Know all Men by hese Presents, that I Nicholas Gallwey of he Island of St. Christopher's, Merchant, m held and firmly bound unto fames Kirwan of London, Merchant, in the Sum f two thousand six hundred and thirtyne Pounds of good and lawful Money of Great Britain, to be paid to the faid fames Kirwan his certain Attorney, Exeutors, Administrators or Affigns, to which Payment well and truly to be made and lone, I bind myself, my Heirs, Execuors and Administrators, firmly by thefe Presents, sealed with my Seal, dated the wentieth Day of January in the seventh Year of the Reign of our Sovereign Lord George, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, &c. Anno Dom. 1720. And Oyer of Conhe likewise craves Over of the Condition dition. of the faid Writing Obligatory, which is read to him in these Words; that is to fay, The Condition of this Obligation is fuch, that if the above bounden Nicholas Gallwey, his Heirs, Executors or Administrators, shall and do well and truly pay, or cause to be paid, unto the above-named James Kirwan, his Executors, Administrators or Assigns, the full Sum of one thousand

thousand three hundred and fifteen Pounds

Plea of Payment purfuant to the Statute.

eleven Shillings and Sixpence of good and lawful Money of Great Britain, at or before the first Day of September next ensuing the Date hereof, without Fraud or further Delay, then this Obligation to be void and of none Effect, or else to be and remain in full Force and Virtue: Which being read and heard, the faid Nicholas faith, That the faid William and Elizabeth ought not to have or maintain their faid Action thereof against him the faid Nicholas, because he saith, that after the making of the faid Writing Obligatory, and after the faid first Day of September mentioned in the faid Condition, and before the Day of the exhibiting of the Bill of them the faid William and Elizabeth, that is to fay, on the eighteenth Day of January in the Year of our Lord one thousand seven hundred and thirty-five, at London aforesaid, that is to fay, in the faid Parish of St. Mary Le Bow in the faid Ward of Cheap, he the faid Nicholas paid to them the faid William and Elizabeth, as Administratrix as aforefaid, the faid Sum of one thoufand three hundred and fifteen Pounds eleven Shillings and Sixpence, contained in the faid Condition, according to the Form and Effect of the Statute in fuch Case made and provided, together with all Interests then due thereon: And this he is ready to verify: Wherefore he prays Judgment whether the faid William and Elizabeth

lizabeth ought to have or maintain their id Action thereof against him the faid

icholas, &c.

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and the faid William and Elizabeth fay, Replication. hat they, for any Thing above alledged v the faid Nicholas in his faid Plea, ought ot to be barred from having their faid ction against him, because they say that he faid Nicholas hath not paid to them he faid William and Elizabeth the faid um of one thousand three hundred and freen Pounds eleven Shillings and Sixence with all Interest thereon due, in such Manner and Form as the faid Nicholas ath above alledged in his faid Plea: And his they pray may be inquired of by the Country; And the faid Nicholas doth fo Ifue. kewise: Therefoze let the Jurors come Venire sabefore our Lord the King at Westminster cias awardwho are in ed. next after n no wife related to the faid William and Eizabeth or to the faid Nicholas, to make a tertain Jury of the Country between the aid Parties of the Plea aforefaid, to recognize upon their Oaths of the whole Truth of and concerning the Premisses, because as well the faid Nicholas as the faid William and Elizabeth, between whom the Matter n Variance is, have put themselves upon that Jury. The same Day is given to the Said Parties there, &c.

London,

B. R. Debt on a Bond by an Admini-Arator of the Obligee durante minori ætate, &c. (where there had been a former Administrator duætate)against the Executrix of the Obligor.

London, to wit, Thomas Browne, Ad ministrator of all and singular the Good and Chattels, Rights and Credits, which were of Dixy Kent deceased, at the Time of his Death, during the Infancy of Han nab Kent, Jane Kent, and Daniel Kent, legitimate Children of the faid Dixy Kem complains of Elizabeth Kent Widow Executrix of the Testament and last Wil rante minori of John Kent her late Husband decealed lately, otherwife called John Kent Cit zen and Vintner of London, being in the Custody of the Marshal, &c. of a Pla that she render to him four hundred Pound of lawful Money of England [Great Bri tain] which she unjustly detains from him; for that, to wit, That whereas the fail John in his Life-time, to wit, on the twentieth Day of Fanuary in the thirty. fixth Year of the Reign of his late Ma jesty Charles the Second late King of En gland [Great Britain] &c. at London afore faid, to wit, in the Parish of St. Mary L Bow in the Ward of Cheap, by his Wil ting Obligatory, fealed with the Seal d the faid John in his Life-time, and m the Court of our faid Lady the now Queen here shewn, the Date whereof it on the same Day and Year, acknowledge ed himself to be held and firmly bound to the faid Dixy Kent in his Life-time in the faid four hundred Pounds, to be paid to the faid Dixy, his Executors or Administrators, when he should be thereunto afterward

Profert.

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terwards required: Det the faid John Breach. his Life-time, or the faid Elizabeth ter the Death of the faid John, altho' ten required, &c. have not yet paid nor s either of them paid the faid four huned Pounds to the faid Dixy in his Lifeme, or to one Daniel Browne now de- Former Adased, late Administrator of all and fin- ministrator plar the Goods and Chattels, Rights and durante miredits, which were of the faid Dixy at he Time of his Death, during the Infany of the said Hannah, Jane and Daniel, r to the said Thomas after the several eaths of the faid Dixy and Daniel, or either of them, (to which said Thomas Administrafter the Death of the faid Dixy, to wit, tion granted n the fifteenth Day of November in the to Plaintiff. Tear of our Lord one thousand seven undred, at London aforesaid, in the Paith and Ward aforefaid, Administration f all and fingular the Goods and Chatels, Rights and Credits, which were of the aid Dixy at the Time of his Death, duing the Infancy of the said Hannab, Jane nd Daniel, after the Death of the faid Dapiel, the Letters of Administration of the Goods of the said Dixy deceased, before granted to the faid Daniel, to the Use and during the Infancy of the said Infants, being ceased and expired by the Reason of the Death of the said Daniel, was in due Manner committed by Thomas by Divine Pro-

vidence Archbishop of Canterbury, Primate

of all England, and Metropolitan) but in-

tirely refused to pay the same to the said

Dixy

Dixy in his Life-time, and to the faid Daniel in his Life-time, and to the faid Thomas after the Death of the faid Dim and Daniel; and the faid Elizabeth fill refuses to pay the same to the said Thomas, and unjustly detains, to the Damage of the faid Thomas of ninety Pounds: And Profest of the thereupon he brings Suit, &c. Letters of Ad faid Thomas brings here into Court the Letters Administratory of the said Arch. bishop which testify the Committing the faid Administration to the faid Thomas after the Death of the faid Daniel in Form aforesaid, &c.

ministration.

B. R. Debt on a Bond by the Adminifrator de bonis non administratis by a late Executrix of the Obligee against Baron Bond being entered into by the Feme when she was Sole.

London, to wit, William Terrey, Administrator of the Goods and Chattels which were of William Kirwood, unadministered by Anne Terrey, otherwise Kirwood deceased, late Executrix of the Testament of the said William Kirwood, complains of John Duval and Elizabeth his Wife, otherwise lately called the Right and Feme, the Honorable Elizabeth Villiers, Viscountels Purbeck Deffring in the County of Norfolk, Widow, being in the Custody of the Marshal, &c. of a Plea, that they render to him one hundred and forty Pounds, which they unjustly detain; for that, to wit, That whereas the faid Elizabeth whilft she was fole, to wit, on the twentieth Day of October in the twenty. feventh Year of the Reign of his late Majesty Charles the Second, late King of England [Great Britain] &c. at London,

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wit, the Parish of St. Mary Le Bow in he Ward of Cheap, by her Writing Obgatory, sealed with the Seal of the said lizabeth, and to the Court of our Lord Profert of the nd Lady the now King and Queen here Bond. newn, the Date whereof is on the same Day and Year, acknowledged herself to e held and firmly bound to the faid Wiliam Kirwood in his Life-time in the faid ne hundred and forty Pounds, to be paid o the faid William Kirwood, his Execuors, Administrators and Affigns, when she hould be thereto required: Det the said Breash: Elizabeth whilst she was Sole, although often required, &c. has not paid the faid one hundred and forty Pounds to the faid William Kirwood in his Life-time, or to he faid Anne after the Death of the faid William Kirwood whilft she was Sole; and the faid John and Elizabeth after the Marriage between them was celebrated have not paid the same to the said Anne whilst he was Sole, or to the faid Anne and William Terrey after the Marriage between them was celebrated, or to the faid William Terrey after the Death of the said Anne (to which said William Terrey on Administrathe second Day of December in the Year tion de bonis of our Lord one thousand fix hundred non commisand ninety-two, at London aforesaid, in Plaintiff, the Parish and Ward aforefaid, Administration of all and fingular the Goods and Chattels which were of the faid William Kirwood at the Time of his Death not administered by the said Anne, was in due Manner

ted to the

Manner committed by John by Divine Providence Archbishop of Canterbury, Primate of all England, and Metropolitan) but the faid Elizabeth whilst she was Sole refused to pay the same to the said William Kirwood in his Life-time, or to the faid Anne after the Death of the faid William Kirwood whilst she was Sole; and the faid John and Elizabeth, after the Marriage celebrated between them as afore. faid, refused to pay the same to the faid Anne whilst she was Sole, or to the faid William Terrey and Anne after the Marriage between them was also celebrated as aforesaid, and yet refuse to pay the same to the said William Terrey after the Death of the faid Anne, and after the Committing the Administration aforesaid in Form aforesaid, and unjustly detain in Delay of the faithful Administration aforesaid, to the Damage of the faid William Terrer of twenty Pounds: And thereupon he brings Suit, &c. And he brings here into Court the Letters of Administration of the faid Archbishop which testify the committing the faid Administration aforesaid in Form aforesaid, &c.

Profert of the Letters of Ad ministration.

B. R. Debt an Admini-Arator de bonis non administratis by a late Administrator of the Obligee.

Middlesex, to wit, Elizabeth Bond Wion a Bond by dow, Administratrix of all and singular the Goods and Chattels, Rights and Credits, which were of James Goodwin, Gent. deceased, unadministered by James Bond also deceased, late Administrator of the faid James Goodwin, complains of Jaco Butlet, ne

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Butler, Efq; otherwise called Jacob Butler f the Parish of St. James within the Lierty of Westminster in the County of Middle fex, &c. being in the Custody of he Marshal, &c. of a Plea, that he rener to her three hundred Pounds of lawal Money of Great Britain which he unoftly detains from her, for that, to wit, That whereas the faid Facob Butler on the fth Day of May in the Year of our Lord ne thousand seven hundred and fifteer, t Westminster in the County of Middlesex, y his Writing Obligatory, fealed with he Seal of the faid Facob, and to the Profest of the Court of our faid Lord the now King Bond. here shewn, the Date whereof is on the ame Day and Year, acknowledged himelf to be held and firmly bound to the aid fames Goodwin in his Life-time in the aid three hundred Pounds to be paid 7 ames Goodwin when he should be thereto requi- Breach. red: Det the said Facob Butler, although often required, &c. did not pay the faid hree hundred Pounds to the said Fames Goodwin in his Life-time, or to the faid fames Bond in his Life-time, after the Death of the said James Goodwin, or to either of them; neither has he paid the same to the aid Elizabeth fince the Death of the faid Administrafames Bond, (to which said Elizabeth after tion granted the several Deaths of the said James Good- to the Plainwin and James Bond, to wit, on, &c. at, iff. Bc. Administration of all and singular the Goods and Chattels, Rights and Credits which were of the faid James Goodwin at Vol. II. F the

the Time of his Death not administered by James Bond, was in due Form of Law committed by William by Divine Providence Archbishop of Canterbury, Primate of all England and Metropolitan) but he in tirely refused to pay the same to the said Fames Goodwin in his Life-time, or to the faid 7 ames Bond in his Life-time, or to the faid Elizabeth after the Death of the faid Fames Bond, and still refuses to pay the fame to the faid Elizabeth, and unjustly detains, to the Damage of the faid Elizabeth of twenty Pounds: And thereupon the brings Suit, &c. and the faid Elizabeth Bond brings here into Court the faid Letters of Administration which te flify the Committing the faid Administration in Form aforesaid, the Date whereof is on the Day and Year abovefaid.

Profest of the Letters of Administration.

B. R. Debt on a Bond by Baron and Feme Obligee (dum fola) against the Administratrix of the Obligor.

London, to wit, William Rokenham, Elg, and Frances his Wife, lately called Frances Manley, Spinster, complain of Margaret Manley, Widow, Administratrix of all and fingular the Goods and Chattels, Rights and Credits which were of Thomas Manley, Gentleman, her late Husband, deceased, otherwise lately called Thomas Manley of the Parish of St. Margaret near the City of Rochester in the County of Kent, Gentleman, being in the Custody of the Marshal, &c. of a Plea, that she render to them one hundred and twenty Pounds of good and lawful Money of England [Great Britain] which she unjustly detains

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letains from them; for that, to wit, That the faid Thomas in his Life-time, to wit, on the twenty-fecond Day of September in he third Year of the Reign of our Soveeign Lord William now King, and our Sovereign Lady Mary late Queen of Engand [Great Britain] &c. at London aforefaid, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Wriing Obligatory, fealed with the Seal of the faid Thomas in his Life-time, and to Profert. the Court of our Lord the now King tere thewn, the Date whereof is on the ame Day and Year, acknowledged himelf to be held and firmly bound to the laid Frances whilst she was Sole by the Name of Frances Manley of the Parish of St. Margaret aforesaid in the County aforesaid, Spinster, in the faid one hundred and twenty Pounds, to be paid to the faid Frances when he should be thereunto required: Det the faid Thomas Breach. n his Life-time, or the faid Margaret after the Death of the faid Thomas (to which said Margaret after the Death Administraof the said Thomas, Administration of all tion granted and fingular the Goods and Chattels, to the Defen-Rights and Credits, which were of the faid Thomas at the Time of his Death, who lied intestate, &c. was committed) altho' often required, &c. have not yet paid, nor has either of them paid the faid one hundred and twenty Pounds to the faid Frances whilst she was Sole, nor to the faid William and Frances after the Marriage celebrated

lebrated between them, but intirely refused to pay the same to the faid Frances whilft the was Sole, and to the faid William and Frances after the Marriage celebrated between them; and the faid Margaret still refuses to pay the same to the said William and Frances, and unjustly detains, to the Damage of the faid William and Frances of ten Pounds: And thereupon they bring Suit, &c.

Trinity Term in the Thirteenth and Fourteenth Year of the Reign of King George the Second.

Thom fon,

C. B. Debt on a Bond by against the Brother and Heir of the Obligor.

London, to wit, John Stout late of the Town of Hertford in the County of Hertof the Obligee ford, Gentleman, Brother and Heir of Henry Stout late of the Island of Famaica Esquire, deceased, otherwise lately called Henricus Stout nunc in London sed de Insula Famaica Armiger, was fummoned to answer Sarab Fitter, Widow, Executrix of the last Will and Testament of James Fitter late of London, Merchant, deceased, of a Plea, that he render to her four thousand three hundred and thirty Pounds, which he unjustly detains, &c. And whereupon the said Sarab by Josbua Sharpe her Attorney fays, That whereas the faid Henry, Brother of the faid John whole Heir he is in his Life-time, to wit, on the fifth Day of November in the Year of our Lord one thousand seven hundred and twenty.

1 Lev. 130, 224.

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twenty-five, at London, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing Obligatory, acknowledged himself to be bound to the faid James in his Life-time in the faid four thousand three hundred and thirty Pounds, to be paid to the faid Fames when he should be thereunto required; and to which Payment well and faithfully to be made he bound himfelf and his Heirs by the faid Writing: Det the Breach. faid Henry in his Life-time, and the faid John, Brother and Heir of the faid Henry, although often required, have not, nor hath either of them, paid the faid four thousand three hundred and thirty Pounds to the faid James in his Life-time, or to the faid Sarah after the Death of the said Fames, but refused to pay the fame to the faid James in his Life-time, and to the faid Sarah after his Death; and the faid John still refuses to pay the fame to the faid Sarah, and unjustly detains in Delay of the faithful Execution of the said Testament: Wherefore she fays she is injured, and hath Damage to the Value of twenty Pounds: And thereupon the brings Suit, &c. and the faid Profert of the Sarah brings here into Court as well the Bond, said Writing which testifies the said Debt in Form aforesaid, whose Date is the same Day and Year aforesaid, as the Letters Te- And Probate. stamentary of the said Fames, whereby it appears to the Court here, that the faid Sarab is Executrix of the last Will and F 3 Testament

Testament of the said James, and thereof

has the Administration, &c.

Plea, Riens per discent tempore impetrationis nalis.

And the faid John by Thomas Smith his Attorney comes and defends the Force and Injury when, &c. and fays, that he brevis Origi. ought not to be charged with the Debt aforesaid as Brother and Heir of the said Henry by Virtue of the faid Writing, because protesting that the Writing aforefaid is not the Deed of the faid Henry, and for Plea faith, that he hath not any Lands or Tenements by Discent as Heir to the faid Henry in Fee Simple, nor had

Stat. 3 89 4 W. & W. c. 14. 5 Mod. 122. Hefter. leffry and Barrow, Paf. 10Annæ.

Redshaw and on the Day of obtaining the original Writ of the faid Sarab, nor at any Time fince: And this he is ready to verify: Wherefore he prays Judgment if he ought to be Cases in Law charged with the Debt aforesaid as Broand Equity 18. ther and Heir of the faid Henry by Vir-

tue of the Writing aforesaid.

Thomas Bootle.

Replication, qu'il ad affets.

and the faid Sarab faith, That by any Thing by the faid John above in pleading alledged, she ought not to be precluded from having her faid Action against him; because she says, that before the Day of obtaining her faid original Writ, to wit, on the third Day of April in the thirteenth Year of the Reign of our faid Lord the now King, the faid 7obn had fufficient Lands and Tenements by discent as Heir to the faid Henry in Fee Simple, whereout he might have fatisfied the faid Sarab the Debt and Damages aforesaid, of

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o wit, at London aforesaid in the Parish and Ward aforesaid: And this she is ready to verify: Wherefore she prays Judgment, and that the said Debt, together with the Damages by Means of the Detention of the said Debt, may be adjudged unto her, &c.

John Belfield.

And the said John saith, That before Rejoinder. the Day of obtaining the said original Writ of the said Sarah he had not sufficient Lands and Tenements by Discent, as Heir to the said Henry in Fee Simple, whereout he might have satisfied the said Sarah the Debt and Damages aforesaid, or any Part thereof, as the said Sarah hath in replying above alledged: And of this he puts himself on the Country, &c. And Issue the said Sarah doth so likewise, &c.

Surry, to wit, Simon Quennel, Execu- B. R. Debt tor of the Testament and last Will of on a Bond by Peter Quennel deceased, complains of Wil- of the Obligee liam Diddlesfold, Heir of John Diddlesfold against the deceased, to wit, Brother and Heir of Heir at Law Richard Diddlesfold, Son and Heir of Wil- of the Chligor. liam Diddlesfold, Brother and Heir of the said John Diddlesfold, late of Hascombe in the County of Surry, Yeoman, deceased, being in the Custody of the Marshal of the Marshalsea of our Lord the King before the King himself, of a Plea, that he render to him one hundred and twenty Pounds of lawful Money of England [Great F 4 Britain

Profert.

Britain] which he unjustly detains, for this, to wit, That whereas the faid John (whose Heir, the faid William Diddlesfold the present Defendant now is) in his Lifetime, to wit, on the twenty-third Day of October in the twenty-ninth Year of the Reign of our Sovereign Lord Charles the Second now King of England [Great Britain] &c. at Hascombe in the County of aforesaid, by his Writing Obligatory, sealed with the Seal of the faid John, and to the Court of our Lord the now King here shewn, the Date whereof is on the fame Day and Year, acknowledged himfelf to be held and firmly bound to the faid Peter in his Life-time in the faid one hundred and twenty Pounds, to be paid to the faid Peter, his Executors, or Administrators, when he should be thereunto afterwards required, and to the faid Payment well and faithfully to be made the faid John in his Life-time bound himfelf and his Heirs by the faid Writing; Det the faid John in his Life-time, nor the faid William Brother of the faid John after the Decease of the said John, nor the faid Richard after the Death of the faid William Brother of the faid John, nor the said William Diddlesfold the prefent Defendant, after the Death of the faid Richard, although often required, &c. have not yet paid, nor has either of them paid the faid one hundred and twenty Pounds to the faid Peter in his Life-time, or to the faid Simon after the Death of the

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e faid Peter, but intirely refused to pay e same to the said Peter in his Life-time. nd to the faid Simon after the Death of ne faid Peter: And the faid William Didlesfold, the present Defendant, still reses to pay the same to the said Simon. nd unjustly detains in Delay of the faithal Execution of the faid Testament, and the Damage of the faid Simon of fifty ounds: And thereupon he brings Suit, and the faid Simon brings here into Profert of the Court the said Letters Testamentary of Letters Testahe faid Peter, whereby it sufficiently ap-mentary. ears to the Court of our faid Lord the ow King here, that the faid Simon is Exeutor of the faid Testament of the said Peter, and has the Administration theref, &c.

and now at this Day, to wit, Tuesday Imparlance. ext after the Octave of St. Hilary in this ame Term, to which Day the faid Wiliam Diddlesfold the present Defendant had eave to imparl to the faid Bill, and then o answer, &c. before our Lord the King it Westminster, came as well the faid Sinon by his Attorney aforesaid, as the said William Diddlesfold the present Defendant, Plea, Riens by Christopher Smith his Attorney; and per discent the faid William Diddlesfold the present tempore ex-Defendant comes and defends the Force billæ. and Injury when, &c. and fays, That he, by Virtue of the faid Writing Obligatory, bught not to be charged with the faid Debt as Heir of the faid John Diddlesfold, ccause protesting that that Writing is

not

not the Deed of the faid John Diddlesfold, for Plea the faid William Diddlesfold the present Defendant says, that he has not Lands or Tenements by hereditary De. scent of the said John Diddlesfold in Fee Simple, nor had he on the faid Day of exhibiting the faid Bill nor at any Time afterwards: And this he is ready to verify: Wherefore he prays if he as Heir of the faid John Diddlesfold ought to be charged with the faid Debt by Virtue of the faid Writing.

Replication, fets.

and the faid Simon fays, that notqu' il' ad af withstanding any Thing by the said William Diddlesfold the present Defendant above by pleading alledged, he the faid William Diddlesfold the present Defendant as Heir of the faid John Diddlesfold ought to be charged with the faid Debt by Virtue of the faid Writing Obligatory, because he says that on Monday next after three Weeks of St. Michael in the thirtyfourth Year of the Reign of our Sovereign Lord Charles the Second, now King of England [Great Britain] on which Day the faid Bill was exhibited in the Court here as aforesaid, the said William Didalesfold the present Defendant had divers Lands and Tenements by hereditary Defcent from the faid William Diddlesfold in Fee Simple, from whence he could have satisfied the said Simon of the Debt aforesaid, to wit, at Hascombe aforesaid in the County aforefaid: And he prays that this may be inquired of by the County. and

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Ind the said William Diddlesfold the pre-Isue.

ent Desendant does so likewise, &c.

Therefore let a Jury thereupon come be-Venire sabre our Lord the King at Westminster, cias awardn Thursday next after the Morrow of the ed.

Purisication of the Blessed Virgin Mary;
nd who neither, &c. to recognize, &c.
ecause as well, &c. The same Day is
given to the Parties aforesaid at the same
clace, &c.

London, to wit, Denbam Hunlocke, Mer- B. R. Debt hant-Taylor, complains of Sir Thomas on a Bond a-Leigh, Baronet, Son and Heir of Wolley gainst the Leigh, Efq; lately deceased, otherwise Obligor. alled Wolley Leigh of Thorpe in the Couny of Surry, Esq; being in the Custody of he Marshal, &c. of a Plea, that he rener to him three hundred Pounds of lawful Money of England [Great Britain] Be. which he owes him and unjustly deains, for that, to wit, That whereas the aid Wolley in his Life-time, to wit, on he ninth Day of May in the Year of our Lord one thousand fix hundred and forty. t London, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing Obligatory, fealed with the Seal of the faid Wolley in his Life-time, and Profert. to the Court of our faid Lord the King now here shewn, the Date whereof is on he same Day and Year, acknowledged himself to be held and firmly bound to he faid Denham in the faid three hunired Pounds, to be paid to the faid Denbam

Breach.

ham when he should be thereunto requi red; and to the faid Payment well and faithfully to be made the faid Wolley in his Life-time bound himself and his Heirs by the faid Writing: Bet the faid Wolla Leigh in his Life-time, and the faid & Thomas after the Death of the faid Wolley although often required, &c. have not ye paid, nor has either of them paid the fait three hundred Pounds to the faid Denbam, but the faid Wolley in his Life-time and the faid Sir Thomas after the Death of the faid Wolley, intirely refused to pay him the fame; and the faid Sir Thomas still refuses to pay him the same, to the Damage of the faid Denham of twenty Pounds: And thereupon he bring Suit, &c.

Cognovit Actionem.

and the faid Thomas by G. B. his At torney comes and defends the Force and Injury when, &c. and fays, that he can not deny the faid Action of the faid Den ham, nor but that the faid Writing is the faid Deed of the faid Wolley his Father, nor but that he detains from the faid Det ham the faid three hundred Pounds, in the Form in which the faid Denham ha above declared against him: Det the said Thomas fays, that he has not any Land or Tenements by hereditary Descent from the faid Wolley his Father in Fee Simply nor had on the Day of exhibiting the faid Bill of the faid Denham, nor at an Time afterwards, except four Messuage and seventeen Acres and two Roods of

Sed riens per discent.

Except four Meffuages, 8 Rep. 134.

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and, with the Appurtenances in Thorpe nd Puttenham in the County of Surry, of he yearly Value of one hundred Pounds. nd one Messuage with the Appurtenanes in East Witham in the County of Kent, f the yearly Value of forty Shillings: and except the Reversion of the Manor And the Ref Hall Place with the Appurtenances, and version of, &c. f five Messuages, fix Cottages, two Doveouses, three Gardens, three Orchards. x hundred and fifty Acres of Land, two undred Acres of Meadow, five hundred cres of Pasture, one hundred Acres of Wood, three hundred Acres of Furze and Heath, two hundred Acres of Moor, and fty Shillings Rent, with the Appurteances in Thorpe, Chertfey, and Egham in he faid County of Surry, and of the Rectory of Thorpe with the Appurtenanes, and of one Messuage, one Doveouse, one hundred Acres of Land, fifty Acres of Meadow, one hundred Acres of Pasture, twenty Acres of Wood, and fify Acres of Furze and Heath, with the Appurtenances in Puttenham, Elsted, Seale nd Tongbam in the faid County of Surry, which faid Manor, Rectory, Tenements, nd Moiety, with the Appurtenances, bir John Lowther, Baronet, and Elizabeth his Wife, who was the Wife of the faid Wolley, hold for the Term of the Life of he said Elizabeth in Right of the said Elisabeth, of no Value during the Life of the aid Elizabeth, and after the Death of the aid Elizabeth of the yearly Value of five hundred

And the Re-

hundred Pounds: And except the Rever. fion of the Manor of Stains, with the Ap. purtenances, and of one Cotage, one Parcel of Land, containing eight and twenty Foot in Breadth, and eighty-three Foot in Length, and of another Parcel in Breadth twenty-four Foot, with the Appurtenances in Stains in the County of Middlefex, and of one Messuage and fixteen Acres of Land, with the Appurtenances in Addington in the faid County of Surry, and of the yearly Rent of eleven Pounds iffuing out of one Mill, one Mefuage, and two Acres of Meadow in Stain aforesaid in the said County of Middle. fex, and of the Fair and Markets to be held in Stains aforefaid, and of the chief Pension of two Shillings issuing out of the Vicarage of Stains aforesaid, after the Expiration of ninety-nine Years, commencing from the feventeenth Day of Man in the Year of our Lord one thousand in hundred and thirty-fix, granted thereof to one William Drake, Esq; by the said Wolley in his Life-time, under the yearly Rent of a Pepper-corn, by certain Indentures made at Stains aforesaid on the same seventeenth Day of May in the Year of our Lord one thousand six hundred and thirty-fix aforesaid, between the said Wolley of the one Part, and the said William Drake of the other Part, bearing Date the fame Day and Year: And this he is ready

Pet' Judic's, to verify: Calherefore he prays Judgment &c. if he, as Son and Heir of the faid Wolley

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ught to be charged with the faid Debt v Virtue of the faid Writing, except in he faid four Messuages and seventeen Ares and two Roods of Land, with the Appurtenances, in Thorpe and Puttenham foresaid, and in the said Mesuage with he Appurtenances in East Wickham aforeaid, and except in the faid feveral Reversions when they shall happen, &c. with his, that he the faid Sir Thomas Leigh will verify that the faid Elizabeth is still in Being, and alive, to wit, at London aforeaid in the Parish and Ward aforesaid.

and the faid Denbam for that the faid Plaintiff sir Thomas does not deny the faid Action prays Judgof the faid Denham, nor but that the faid Writing is the Deed of the faid Woller. nor but that the said Sir Thomas detains from the faid Denham the faid three hunfred Pounds in the Form in which the aid Denham has above thereof declared gainst him, prays Judgment and his faid Debt, together with his Damages by the Occasion of the detaining that Debt, to e adjudged to him, to be levied of the aid four Mesuages, &c. and of the said leveral Reversions with the Appurtenantes when they shall happen, &c. herefore considered, that the faid Den-the Tenements ham recover against the said Sir Thomas of the Reverhis faid Debt, and also his Damages by fions quando he Occasion of the detaining that Debt acciderint. o fifty Shillings, adjudged to the faid Denbam by his Assent, to be levied of the aid four Mesuages and seventeen Acres,

It is Judgment of

and

and two Roods of Land with the Appur. tenances in Thorpe and Puttenham afore. faid; and of the faid Mefuage with the Appurtenances in East Wickham aforesaid: and of the faid feveral Reversions when they shall happen: And the faid Sir Thomas in Mercy, &c.

C. B. Debt on Bond by the Executor of the Obligee against the vifees of the Obligor.

Surry, to wit, Thomas A. late of the Parish of St. Andrew Holborn in the County of Middle fex, Merchant, and Fane his Wife, and Alexander M. late of the same Heirs and De- Parish in the County aforesaid, Gentle man, and Eleanor his Wife, and Elizabeth B. late of Guildford in the County of Surry, Widow, which faid Fane, Eleanor and Elizabeth, and one Anne C. now deceased, whom the said Fane, Eleanor and Elizabeth have survived, were Daughten and Coheiresses of Christopher C. otherwise lately called Christopher C. of Crawley in the County of Surry, Gentleman, and Devisees of divers Lands and Tenements of which the faid Christopher died seised in his Demesne as of Fee, Richard B. in the County of Suffex, Thomas B. late of in the County of Suffex, Yeoman, and John M. late of Cranley in the County of Suffex, Yeoman, furviving Devisees of a Manor, and of divers Lands and Tenements whereof the faid Christopher died seised, by the said Christopher by his last Will devised to the faid Richard B. Thomas B. and John M and to one Richard H. late of Hascomh

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the County of Suffex, and now deceafd, and whom the faid Richard, Thomas nd John survived, were summoned to nswer Henry T. Executor of the Testaent of John T. of a Plea, that they rener to him fixty Pounds which they unflly detain from him, &c. And wherepon the faid Henry by John C. his Attorey fays, that whereas the faid Christober, Father of the faid Fane, Eleanor, inne and Elizabeth, whose surviving Heirs nd Devisees they the faid Jane, Eleanor nd Elizabeth, are in the Life-time of the id Christopher, to wit, on the twentyinth Day of September in the fourth fear of the Reign of his late Majesty ames the Second, late King of England, c. at Guildford in the County of Surry, y his Writing Obligatory, sealed with he Seal of the faid Henry, and to the ourt of our faid Lord the now King ere shewn, the Date whereof is on the ay and Year aforesaid, acknowledged imself to be bound to the said John H. his Life-time in the faid fixty Pounds, be paid to him when he should be pereunto required; and to the said Payhent well and truly to be made the faid bristopher in his Life-time bound himself nd his Heirs by the faid Writing: and Obligor feifed. thereas the faid Christopher was in his ife-time seised in his Demesne as of Fee f and in the Manor, and several Teneents and Premisses, with the Appurteances in the faid County here after Vol. II.

Made his Will.

Devised to Desendants. particularly mentioned to be devised; and being so seised thereof the faid Christon pher, after the twenty-fifth Day of March in the Year of our Lord one thousand fr hundred and ninety-two, to wit, on the eleventh Day of January in the Year of our Lord one thousand fix hundred and ninety-four, at Guildford aforesaid, made his Testament in Writing; and by the fame Testament gave and bequeathed to the faid Richard H. now deceased, Richard B. Thomas B. and John M. and their Heirs, the Manor, Mesuage or Tene. ment, Farm, Lands, Meadow, Pasture, feeding Woods, Rents, Tenements, and Hereditaments what soever, with the Ap purtenances, called or known by the Name of Woodham, fituate within the Parish of Chertsey in the faid County of Surn; and by his faid Testament gave and be queathed to the faid Richard H. Richard B. Thomas B. and John M. and their Heir, one Messuage and divers Lands with the Appurtenances, known by the Name of Stubbs, Parcel of New Park in Cranley is the County of Surry aforesaid; and all by his faid Testament gave and bequeath ed to the faid Eleanor, Elizabeth, Ann and Fane, their Heirs and Assigns, on Mesuage, and divers Lands and Hered taments called New Park in Cranley afore faid: And afterwards, to wit, on the first Day of March in the Year of ou Lord one thousand six hundred and nine ty-four aforesaid, at Guildford aforesaid died

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ied seised of such his Estate of and in ne Manor, Mefuages, Lands and Teneents aforefaid, with the Appurtenances, as aforesaid respectively devised; After Defendants a: those Death, and before the Day of fu- gree to the Leig out the original Writ of the faid Hen- gacies; to wit, on the same Day and Year st mentioned, at Guildford aforesaid, the id Jane, Eleanor, Anne and Elizabeth, ichard H. Richard B. Thomas B. and obn M. agreed to their faid Legacies fo aforefaid respectively devised to them, nd were respectively seised of the Manor, And are seilesuages, Lands and Tenements afore- sed, &c. id fo devised to them as aforefaid, by irtue of the feveral Devises aforefaid: et the faid Christopher in his Life-time, Breach. r the faid Jane, Eleanor, Anne and Eliabeth, in the Life-time of the said Anne, r the faid Richard H. Richard B. Thomas and John M. in the Life-time of the id Richard H. or the faid Jane, Eleanor, lizabeth, Richard B. Thomas B. and ohn M. after the feveral Deaths of the id Christopher, Anne and Richard H. alhough often required, have not rendered, or has any one of them rendered the id fixty Pounds to the faid John H. in is Life-time, or to the faid Henry after is Death, but intirely refused to render he same to the said John H. in his ife-time, and to the faid Henry after s Death; and the faid Jane, Eleanor, d Elizabeth, Richard B. Thomas B. and ohn M. after the several Deaths of the

Said Christopher, Anne and Richard H. have hitherto intirely refused to render the same to the said Henry after the Death of the faid John H. and still do refuse, and unjustly detain the same: Wherefore he fays that he is injured, and has Da. mage to the Value of twenty Pounds: Profest of the And thereupon he brings Suit, &c. and

Bond ;

the faid Henry brings here into Court a well the faid Writing which testifies the faid Debt in Form aforesaid, the Date whereof is on the said, &c. As also the said Letters

And Probate.

Testamentary of the said 70hn H. by which it sufficiently appears to the Coun that the faid Henry is the Executor of the faid Testament of the said Fobn H. and thereof has Administration, &c.

Scaccario. Debt on a Rond against Heirs at Law, and the Devifee of the Obligor.

Middlesex, to wit, Benjamin Foston Debtor of our Sovereign Lady the now Queen, came before the Barons of the Exchequer on the twenty-fourth Day October in this Term, by Thomas Arden his Attorney, and complains by Bill against Thomas Orby, Efq; and Charlotte his Will Fames Hamilton, Efg; Duke Hamilton the Kingdom of Scotland and Elizabeth is Wife, and John Erlington, Gent. which faid Charlotte, Elizabeth and John and Co-heirs of Fitton late Earl of Macche field, late Brother and Heir of Charles lat Earl of Macclesfield, lately otherwise a led the Right Honorable Charles Earld Macclesfield, the faid Charlotte being of of the Sifters of the faid late Earl's, the faid Elizabeth being Daughter and He

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f Elizabeth late Lady Gerrard of Bromley, ate another of the Sifters of the faid late Earl's, and the faid John being Son and Heir of Anne Erlington, late also another f the Sifters of the faid late Earl's, and gainst Charles Lord Mohun, Devisee of he faid Charles late Earl, of certain Lands. Tenements and Hereditaments which were f the faid late Earl Charles at the Time f his Death, according to the Form of he Statute thereupon lately made and Stat. 3 804 rovided, jointly present here in Court W. & M. c. n the same Day, of a Plea, that they ender to the faid Benjamin eleven thouand Pounds of lawful Money of England Great Britain which they owe him and niuftly detain; for that, to wit, That vhereas the faid Charles late Earl in his life-time, on the fourth Day of March in he Year of our Lord one thousand six hunred and ninety-five, at Westminster in the county of Middle fex aforefaid, by his Wriing Obligatory, which, fealed with the Profest. eal of the faid Charles late Earl in his Lifeme, the faid Benjamin brings here into fourt, the Date whereof is on the same Pay and Year, acknowledged himself to be ound to the faid Benjamin in the faid eleen thousand Pounds, to be paid to the said Benjamin when he should be thereto reuired; and to the faid Payment well and ithfully to be made the faid Earl Charles ound himself and his Heirs by the said Vriting: Det the faid Earl Charles in his Breach. ife-time, or the faid Charles Lord Mobun

(to whom and to whose Heirs the faid Earl Charles by his last Will in Writing, at Westminster aforesaid, in his Life-time, after the twenty-fifth Day of March in the Year of our Lord one thousand fix hundred and ninety-two, in due Manner made, devised, and bequeathed certain Lands, Tenements and Hereditaments. of which he then and at the Time of his Death was feifed in his Demenne as of Fee) or the faid Earl Fitton, Brother and Heir of the faid Earl Charles, or the faid Thomas Orby and Charlotte, James Hamil ton and Elizabeth his Wife, and John Er lington, after the Death of the faid Bal Fitton, although often required, have not nor has any one of them paid the faid eleven thousand Pounds to the faid Benjamin, but have refused to pay the same to him; and the faid Charles Lord Mobin, Devisee as aforefaid, Thomas Orby and Charlotte, James Hamilton and Elizabeth his Wife, and John Erlington, have hithern refused to pay him the same: Wherefore the faid Benjamin fays that he is injured, and has Damage to the Value of ont thousand Pounds, whereby he is the less &c. And thereupon he brings Suit, &c.

B. R. Debt on a Bond by Baron and Feme, Fxecutrix of the Obligee a gainft the Heir of the Heir and Devisee of the Obligor.

Middlesex, to wit, Sir Isaac Reboth, Knight, and Elizabeth his Wife, Executrix of the Testament and last Will of John Lemot Honeywood, Esq; deceased, complain of George Plomer, Son and Heir of Sarab Plomer, Widow, deceased, who

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was Heir and Devisee of William Wilkinson, Esq; deceased, otherwise called William Wilkinson of the Inner Temple, Efg; being in he Custody of the Marthal of the Marhalfea of our Lord the King, before the King himself, of a Plea, that he render to them four hundred Pounds of lawful Money of Great Britain, which he unjusty detains from them; for that, to wit, Bond made in That whereas the faid William in his Life- 1681. ime, to wit, on the twenty-feventh Day And fued in of February in the Year of our Lord one houfand fix hundred and eighty-one, at he Parish of St. Clement Danes in the County of Middlesex aforesaid, by his Writing Obligatory, fealed with the Seal of the faid William, and to the Court of Profest of the our faid Lord the now King here flewn, Bond. he Date whereof is on the fame Day and Year, acknowledged himfelf to be bound to the faid John Lemot Honeywood in his Life-time in the faid four hundred Pounds, to be paid to the faid fohn when he should be thereunto required, and to the faid Payment to be well and faithfully made he faid William bound himself and his Heirs by the faid Writing: Det the faid Breach. William in his Life-time, and the faid Saab who was Heir and Devisee of the said William after his Death, and the faid George, Son and Heir of the said Sarah, fter the Death of the faid Sarah, altho often required, &c. have not yet paid, hor has any one of them paid the faid our hundred Pounds to the faid John in G 4 his

his Life-time, or to the faid Isaac and E. lizabeth after the Death of the faid John, or to any one of them, but have intirely refused to pay the same to them, or to any one of them; and the faid George fill refuses to pay the same to the said Isam and Elizabeth, and unjustly detains, to the Damage of the faid Isaac and Eliza beth of ten Pounds: And thereupon ther Profert of the bring Suit, &c. And the faid Ifaac and

Probate.

Elizabeth bring here into Court the Letters Testamentary of the said John, by which it plainly appears to the Count here, that the faid Elizabeth is Executin of the Testament and last Will of the faid John: And thereof has Administration, &c.

Dyer.

Condition of the Bond.

When, &c. and he prays Oyer of the faid Writing Obligatory, and it is read to him, &c. and he also prays Oyer of the Condition of the faid Writing, and it is read to him in these Words, to wit, The Condition of this Obligation is fuch, that if the above bounden William Wilkinson and Priscilla Honeywood, or either of them their or either of their Heirs, Executors or Administrators, do well and truly pay of cause to be paid unto the above-named John Lemot Honeywood, his Executors, Administrators or Affigns, the full Sum of two hundred and twelve Pounds of good and lawful Money of England, on the first Day of March which shall be in the Year of our Lord one thousand fix hundred and eighty-two, then this Obligation to " VOID E.

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oid, or else to remain in full Force: Which eing read and heard the faid George fays, Plea, that hat the faid Isaac and Elizabeth ought Obligor paid ot to have or maintain their faid Action the Money at a future Day, hereupon against him, because he says ante exhibihat the faid William Wilkinson in his Life- tionem billz. ime after the faid first Day of March in he faid Condition mentioned, and before he Exhibiting the faid Bill, to wit, on the Naught as it wenty-seventh Day of February in the Year ties down the of our Lord one thousand fix hundred that Day. and ninety-two, paid to the faid John Lemot Honeywood the faid two hundred Pounds, being the principal Sum due to the said John Lemot Honeywood by the Condition of the faid Writing, together with all Interest for the faid two hundred Pounds then due, to wit, at the faid Parish of St. Clement Danes in the County of Middle ex aforesaid: And this he is ready to verify: Wherefore he prays Judgment if the said Haac and Elizabeth ought to have or maintain their Action thereupon against him, &c.

and the faid Isac and Elizabeth fay, Replication, That they, by any Thing before alledg- that the Oblied, ought not to be barred from having gor did not their faid Action against the faid George, because they say that the said William Wilkinson in his Life-time after the faid first Day of March in the said Condition mentioned, and before the Exhibiting the faid Bill, did not pay to the faid John Lemot Honeywood the faid two hundred Pounds and Interest due for the same, as

The Attorney's Practice

Mue. Venire 4evarded.

the faid George has above by Pleading al. ledged: And this they pray may be in. quired of by the Country: And the faid George likewise, &c. Therefoze let a Ju. ry thereupon come before our Lord the King at Westminster on next after and who neither, &c. to recogn nize, &c. because as well, &c. The same Day is given to the faid Parties aforefaid at the same Place, &c.

Verdict for the Plaintiffs, Mich. 5 Gea L

Pleas before our Lord the King at Westminster, of the Term of the Holy Trinity in the Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, Go.

Roll.

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of a Declaration of a precedent Term.

Memorandum London, 15 E it temembered, That heretofore, that is to fay, in Eafier Term last past, before our Lord the King at Westminster came Josiah Bacon by

his Attorney, and brought into the Court of our faid Lord the King then there his Bill against David Debary, otherwise called David Debary of London, Merchant, in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, of a Plea of Debt; and there are Pledges of Profectting, to wit, John Doe and Richard Roe; which

hich faid Bill follows in these Words, to vit, London, to wit, fosiah Bacon com- Declaration lains of David Debary, otherwise called on Arbitration David Debary of London, Merchant, be- Bond. ng in the Cuftody of the Marshal of the Marshalfea of our Lord the King, before he King himfelf, of a Plea, that he rener to him fix hundred Pounds of lawful Money of Great Britain, which he owes im and unjustly detains; for that, to vit, That whereas the faid David on the ighth Day of November in the Year of our Lord at London, to wit, in he Parish of St. Mary Le Bow in the Ward of Cheap, by his Writing Obligatory, fealed with the Seal of the faid David, and to the Court of our faid Lord the King now here thewn, whose Date is the same Day and Year, acknowledged himself to be bound to the said Josiah in the faid fix hundred Pounds, to be paid to the faid Fosiab when he should be thereunto required; yet the faid David, although often required, &c. has not yet paid the faid fix hundred Pounds to the faid Fosiab, but has hitherto intirely refused, and still doth refuse to pay him the same; to the Damage of the said 70fub of one hundred Pounds: And thereupon he brings Suit, &c.

And now at this Day, to wit, Friday Imparlance. next after the Morrow of the Holy Trinity in this same Term, to which Day the faid David had Leave to imparle to the faid Bill, and then to answer, &c. before

our Lord the King at Westminster came at well the said Josiah by his Attorney afore said, as the said David by

Attorney, and the said David defends the

Oyer prayed.

Attorney, and the faid David defends the Force and Injury when, &c. and prays Over of the faid Writing Obligatory; and it is read to him in these Words, h wit, (the Obligation in bec Verba) And he prays also Oyer of the Condition of the faid Writing Obligatory; and it is read to him in these Words, to wit, The Condition of this Obligation is fuch, that if the above bounden David Debary, for and on Behalf of Jacob Dernyter of Hamborough, Merchant, his Executors and Administrators, do and shall well and truly stand to, obey, abide, observe, perform, fulfil and keep the Award, Arbitrament, Order, final End, Determination and Judgment of Maurice Williams, Nicholas Cutler and Michael Milford of London, Merchants, or any two of them, Arbitrators, as well on the Part and Behalf of the above-named Josiah Bacon, as of the faid David Debary; and by their mutual Affent and Confent indifferently elected, named and chosen to arbitrate, award order, judge, determine, and a final End to make of, for, upon and concerning all and all Manner of Action and Actions, Cause and Causes of Actions, Suits, Debts, Accounts, Reckonings, Sum and Sums of Money, Covenants, Contracts, Promisses, Trespasses, Damages, Bonds, Bills, Specialties, Judgments, Extents, Executions, Strifes

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trifes, Differences, Controversies, Maters, Claims and Demands whatfoever, as ow are, or at any Time before the Date bove written have been moved, stirred p, or depending between the faid David Debary, as Attorney to the faid Jacob Dernyter of the one Part, and the faid fofiab Bacon of the other Part, for, touchng or concerning certain Accounts be-ween the faid Josiah Bacon and the faid facob Dernyter, fo as the faid Award, Aritrament, Order, final End, Determinaion, and Judgment of the faid Arbitraors, or any two of them, of and upon he Premisses, be made and set down in Writing indented under their Hands and leals, and be delivered or ready to be deivered up unto the faid Parties respectivey in Difference, requiring the same, at r in the new Dwelling of John Chambers, scrivener, fituate in Lombard-ftreet, Lonon, on or before the one and twentieth Day of this Instant November; then this Obligation to be void, or else to stand in ull Force and Virtue. Which being read Plea that Arnd heard, the faid David Debary fays, bitrators made hat the faid Josiah Racon ought not to no Award. have or maintain his faid Action thereipon against him, because he says, that he faid Maurice Williams, Nicholas Cutler nd Michael Milford in the faid Condition named, or any two of them, did not make ny Arbitrament in Writing indented uner their Hands and Seals of, for or conerning the Premisses aforesaid, in the said Condition

The Attorney's Practice

Condition above specified, on or before the one and twentieth Day of November in the faid Condition mentioned, according to the Form and Effect of the fail Condition: And this he is ready to veri fy: Wherefore he prays Judgment, who ther the said Tosiah Bacon ought to have or maintain his faid Action thereupon a gainst him, &c.

Replication an

And the faid Jofiah Bacon fays, that he, Award made. by any Thing by the faid David Deban above by Pleading alledged, ought not to be barred from having his Action thereupon against the said David, because he fays, that after the making the faid Writing Obligatory, to wit, on the one and twentieth Day of November in the Year of our Lord in the faid Condition specified, at London aforesaid, in the Parish and Ward aforefaid, the faid No cholas Cutler and Michael Milford, two Arbitrators in the faid Condition above-mentioned, took upon themselves the Burden of Arbitrating and Ordering of and upon the Premisses in the faid Condition above mentioned, and made their Award in Writing indented under their Hands and Seals between the Parties, and of and upon the Premisses in the faid Condition mentioned; by which Arbitrament produced here in Court, the Arbitrators reciting, that whereas the faid David for and on Behalf of Facob Dernyter of Hamborough, Merchant, and the faid Josiab, by interchange able Obligations, bearing Date the eighth Day

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ay of the then instant November, beame bound to each other in fix hundred ounds, conditioned to fland to the Aard of the faid Maurice Williams, Nibolas Cutler and Michael Milford, or any wo of them, mutually chosen between hem to judge, determine and make final and of and in all and all Manner of Acon and Actions, Cause and Causes of ction, Suits, Debts, Accounts, Reckongs, Sum and Sums of Money, Coveants, Contracts, Promises, Trespasses, Damages, Bonds, Bills, Specialties, Judgnents, Extents, Executions, Strifes, Diferences, Controversies, Matters, Claims nd Demands whatfoever, which then vere, or at any Time before the Date of he faid Writing Obligatory had been moed, stirred up, or were depending beween the faid David Debary (as Attorney f the faid Facob Dernyter) and the faid fosiab Bacon, touching certain Accounts etween the said Josiah Bacon and the said facob Dernyter, fo as the faid Arbitrament nd Determination of the faid Arbitrators e made in Writing, indented under their rany two of their Hands and Seals, ready be delivered to the faid Parties in Diference, requiring the same at or in the hen and now Dwelling-House of John Chambers, Scrivener, situate in Lombardreet, London, upon or before the faid one nd twentieth Day of November, as by the aid Bonds and Conditions thereof more ully appears; the faid Nicholas Cutler and Michael

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Michael Milford have arbitrated and ordered the faid David Debary, his Executors, Administrators or Affigns, on the Behalf of the faid Jacob Dernyter, to pay or cause to be paid to the said Fosiab, his Executors, Administrators or Assigns, the Sum of three hundred and forty-five Pounds, fix Shillings and ten Pence Half. Penny, lawful Money of Great Britain, upon or before the second Day of Fonuary then next; and have further arbitrated and ordered, that the faid fosiah Bacon and the faid David Debary on the Behalf of the faid Facob Dernyter, upon Payment of the faid Sum of Money as aforesaid, shall fign, seal and legally execute and deliver to the Use of each other good and sufficient Releases of all and all Manner of Actions, Cause and Causes of Action, Suits, Debts, Accounts, Reckonings, Sum and Sums of Money, Covenants, Contracts, Promises, Trespasses, Damages, Bonds, Bills, Specialties, Judgments, Extents, Executions, Strifes, Differences, Controversies, Matters, Claims and Demands whatfoever touching the faid Accounts, as by the faid Arbitrament appears: And the faid Josiah in Fact fays, that the faid Arbitrament made in Form aforesaid, afterwards, to wit, on the said one and twentieth Day of November in the Year aforesaid, at London aforesaid, in the Parish and Ward aforesaid, was delivered as well to the faid Fosiab as the faid David, according to the Form and Effect

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f the Condition of the faid Writing Obgatory; and the faid Josiab further fays, hat although he the faid Fosiab from the lime of making the faid Arbitrament hiherto has well and truly observed, perormed and kept, all and fingular those Things contained in the faid Arbitrament, hat were on the Part of the said Fosiah b be performed and fulfilled, according the Form and Effect of the faid Arbiament; also by protesting that the said Protestando. David Debary, from the Time of making he said Arbitration hitherto has not in ny Thing observed, performed, or fullled the faid Arbitrament, according to he Form and Effect thereof, the faid 70- Breach affignab fays, that the faid David has not paid ed. r caused to be paid to the said Josiah the aid Sum of three hundred and forty-five ounds fix Shillings and ten Pence Halfeny, upon or before the faid fecond Day of Fanuary, which then he ought to ave paid to him, according to the Form nd Effect of the said Arbitrament: And his he is ready to verify: Wherefore he rays Judgment, and his faid Debt, toether with his Damages by Occasion of he detaining that Debt, to be adjudged o him, &c.

To this there was a Demurrer, and oinder; and Judgment for the Defenant. See Salk. 70.

Vol. II.

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Hilary Term in the Eighth Year of King William the Third.

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B. R. Declaon a Bill penal, payable at feveral Obligee againft Baron and Feme, Administratrix of the Obligor.

London, to wit, Nicholas Ashton, comvation in Debt plains of John Sherman, Gentleman, and Mary his Wife, Administratrix of all and fingular the Goods and Chattels, Right Times: by the and Credits, which were of William Field lately deceased, who died intestate, asit is faid, otherwise lately called William Field, Citizen and Merchant-Taylor of London, in the Custody of the Marshal, &c. of a Plea, that they render to him thirty Pounds lawful Money of England, which they unjustly detain from him; for that, to wit, That whereas the fail William Field in his Life-time, to wit, or the twenty-ninth Day of September in the Year of our Lord one thousand fix hundred and ninety-four, at London aforesaid, to wit, in the Parish of St. Mary Le Boo in the Ward of Cheap, by his Bill Obligatory, fealed with the Seal of the faid William in his Life-time, and to the Court of our faid Lord the present King here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be indebted to the faid Nicholas in the Sum of fifteen Pounds ten Shillings and Sixpence lawful Money of England, to be paid to the faid Nicholas, his Executors Administrators or Affigns, in Manner following

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wing, to wit, the Sum of five Pounds. art thereof on the twenty-ninth Day of Stober then next ensuing the Date of the aid Bill Obligatory, and the Sum of five ounds further Part thereof, on the twenv-ninth Day of November then next enning, and the Sum of five Pounds ten hillings and Sixpence the Residue in full hereof, on the twenty-fourth Day of Deember then next enfuing the Date of the id Bill Obligatory; and for the true ayment thereof the said William Field w the faid Bill firmly bound himfelf, his leirs, Executors and Administrators in he faid Sum of thirty Pounds; and the id Nicholas in Fact fays, that the faid Villiam Field in his Life-time, or the faid obn and Mary, after the Death of the id William, did not, nor did either of hem, pay to the faid Nicholas on the faid venty-ninth Day of October in the said ill above specified the faid Sum of five ounds, which upon that Day they ought have paid him according to the Form nd Effect of the faid Bill Obligatory, hereby an Action accrued to the faid licholas to demand and have of the faid Villiam in his Life-time, and of the faid obn and Mary after the Death of the id William, the faid thirty Pounds: Det Breach. be faid William in his Life-time, and the id John and Mary after the Death of the id William, although often required, &c. ave not paid, nor has either of them paid, le faid thirty Pounds to the faid Nicholas, H 2

but the faid John and Mary still refuse to pay the same to the said Nicholas, and un. justly detain the same from him, to the Damage of the faid Nicholas of twenty Pounds: And thereupon he bring Suit, &c.

Plea, a Judgrecovered afur mutuatus.

and the faid John and Mary, &c. and ment in C. B. fay, that the faid Nicholas ought not in have or maintain his faid Action there. testate in Debt upon against them, because they say that the faid W. F. in his Life-time, to wit, on the first Day of July in the fifth Year of the Reign of our Lord the present King and Lady the late Queen, at London, in wit, in the Parish and Ward aforesaid borrowed of one Robert Waring, Gent one hundred Pounds, to be paid to the faid Robert when he the faid W. should be thereto required; whereby the faid Re bert, for Recovery of his faid Debt, i wit, in the Term of St. Michael in the faid fifth Year of the Reign of our fait Lord the present King and Lady the lat Queen, in the Court of our faid Lord to King and Lady the Queen, at Westminster in the County of Middle fex, impleaded the faid W. F. in his Life-time, in a Pla of Debt for the faid one hundred Pound in which faid Plea it was in fuch Manna proceeded in the faid Court of our fai Lord the King and Lady the late Que of the Bench, that the faid Robert in the faid Term of St. Michael in the fifth Yo aforesaid, by the Judgment of the si Court, recovered against the said W.

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n his Life-time as well the faid Debt of one hundred Pounds, as thirty Shillings for his Damages which he had by Occaion of the detaining of that Debt by the aid Court of our faid Lord the present King and faid Lady the late Queen of he Bench adjudged to the faid Robert by his Affent, as by the Record and Proreedings thereof remaining in the Court of our faid Lord the present King of the Bench plainly appears: And the faid John A Judgment and Mary further fay, that the faid W. F. against Den his Life-time, to wit, on the twentieth fendant for a Day of March in the fourth Year of the due by Inte-Reign of our faid Lord the present King fate. and Lady the late Queen of England, &c. t London aforesaid, in the Parish and Ward aforefaid, by his Writing Obligaory, acknowledged himself to be bound to one Gilbert East in one hundred Pounds, to be paid to the faid Gilbert when he the aid W. F. should be thereto required: And that after the Death of the said W. F. the faid one hundred Pounds being no ways paid or fatisfied, the faid G. for Recovery of his faid Debt after the Death of the faid W. F. to wit, in the Term of St. Michael in the fixth Year of the Reign of our faid Lord the now King and Lady the late Queen, in the faid Court of our Lord the now King and Lady the late Queen of the Bench at Westminster aforelaid, impleaded the faid 7. and M. as Administratrix of the Goods and Chattels of the faid W. F. in a Plea of Debt for the H 3

faid one hundred Pounds of and upon the faid Writing Obligatory, in which faid Plea it was in fuch Manner proceeded, that the faid G. in the same Term of St. Michael in the fixth Year aforefaid, by the Judgment of the faid Court of our faid Lord the present King and Lady the late Oueen of the Bench, recovered against the faid 7. and M. the faid one hundred Pounds, and his Damages by the Occafion of the detaining that Debt, to forty Shillings, by the faid Court adjudged to the faid G. by his Affent, to be levied of the Goods and Chattels which were of the faid W. F. at the Time of his Death in the Hands of the faid 7. and M. to be administred, if they had so much thereof in their Hands to be administered, and if they had not fo much in their Hands, then the faid Damages to be levied of the proper Goods and Chattels of the faid 7. and M. as by the faid Record and Proceedings remaining in the faid Court of our Lord the present King of the Bench at Westminster more fully appears: Plene Admi- And the faid 7. and M. further fay, that they have fully administered all the Goods and Chattels which were of the faid W.F. at the Time of his Death in their Hands

nistravit.

except to the Value of 101.

to be administered; and that they have Have no Goods not, nor on the Day of exhibiting the faid Bill of the faid N. or at any Time afterwards, had any Goods or Chattels which were of the faid W. F. at the Time of his Death in their Hands to be admi-

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istered, except Goods and Chattels to he Value of ten Pounds, which are not Which is liasufficient to fatisfy the feveral Judgments ble to the given in Form aforesaid, and which are Fudgments. ound and liable to the Execution and Satisfaction thereof, with this, that they Averment, he faid 7. and M. will verify that the aid several Debts in the faid several Judg- That the faid nents as aforesaid recovered, were and Debts are just till are true and just Debts, and no Ways Debts. aid; and that the faid feveral Judgments re in their full Force and Vigor no Ways The Judgnnulled, reversed or fatisfied; and that ments in he faid W. F. and the faid 7. and M. in Force; he faid feveral Judgments respectively And the Pernamed, and the faid W. F. and the faid sons the same. 7. and M. named in the Bill of the faid V. are the fame Persons, and not other r different: And this they are ready to erify: Wherefore they pray Judgment f the faid N. ought to have or maintain is faid Action thereupon against them, Bc.

N. Hooper.

And the faid N. fays that he, by any Replication. hing by the faid J. S. and M. his Wife by Pleading alledged, ought not to be barred from having his faid Action thereupon against them; because as to the faid Judg-As to one ment obtained against the said J. S. and M. Judgment is aforefaid in the said Plea mentioned the that only 301. aid N. says, that thirty Pounds only and tot more of the said Money by the said G. E. against the said J. and M. in Form H 4 aforesaid

aforesaid were justly and truly due to the Which is paid, said G. and that after the giving the faid Judgment, to wit, on the first Day of March in the feventh Year of the Reign of our faid Lord the present King, at the Parish and Ward aforesaid, the said ? and M. paid to the faid G. E. the faid thirty Pounds in full Satisfaction and Difcharge of the Judgment; and the faid 6, then and there received and accepted the faid thirty Pounds of the faid 7. and M in full Sarisfaction and Discharge of that Judgment, and of all the Money thereby recovered: Yet the faid 7. and M. fraudulently and deceitfully, and with Intention to deceive and defraud the faid N. of his faid Debt, have still permitted the said Judgment, fo as aforefaid obtained against them by the faid G. to remain and be in it's full Strength and Force, to wit, at the Parish and Ward aforesaid: And this he is ready to verify: Wherefore he prays Judgment, and his faid Debt, together with his Damages by Occasion of the detaining that Debt, to be adjudged to him, And as to the faid Judgment by the faid Henry Cornish obtained against the faid 7. and M. as aforesaid in the said Plea above-mentioned the faid N. fays that twenty and eight Pounds only and not more of the Money aforesaid by the faid H. C. recovered against the faid and M. in Form aforesaid, were justly and truly due to the faid H. at the Time of giving the faid Judgment; and that from

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om the Time of giving the faid Judg-Which the ent hitherto the said H. C. was always Plaintiff therein is reaady and still is ready to receive and ac- dy to accept in pt of the faid J. and M. the faid twen-full Satisfacand eight Pounds, in full Satisfaction tion; nd Discharge of the said last mentioned adgment, and of all the Money thereby covered, to wit, at the Parish and Ward oresaid: Yet the said 7. and M have But Defentherto deceitfully delayed the Payment dants have def the faid twenty and eight Pounds to ment; he faid H. C. and have permitted the faid ft mentioned Judgment still to be and And keep the emain in it's full Force and Strength Judgment on ith Intent to defraud and deceive the Foot per aid N. of his faid Debt, to wit, at the Parish and Ward aforesaid: And this he ready to verify: Wherefore he prays ludgment and his faid Debt, together with his Damages by Occasion of the deaining that Debt, to be adjudged to him, and the faid Nicholas further fays, hat the faid 7. and M. on the Day of That Defenexhibiting this Bill of the said N. had di-dants have vers Goods and Chattels which were of Affets ultra the faid W. F. at the Time of his Death pay Plaintiff. in their Hands to be administered, to the Value of the Debt of the said N. above demanded, besides Goods and Chattels sufficient to satisfy the said R. W. and N. A. of their feveral Debts and Damages aforesaid recovered against the said 7. S. and M. his Wife as aforesaid, and also twenty and eight Pounds due as aforefaid to the faid H. C. whereof they could have fatisfied

fatisfied the faid N. of his faid Debt, to wit, at the Parish and Ward aforesaid And this be prays may be inquired of by the Country, &c.

Demurrer.

and the faid 7. and M. fay, that the faid Plea by the faid N. above in Manner and Form aforesaid by replying pleaded, and the Matter therein contained, are not fufficient in Law for the faid N: to have and maintain his faid Action against them the faid 7. and M. and that they have no Need and are not bound by the Law of the Land in any Manner to answer to the faid Plea in Manner and Form aforesaid pleaded: And this they are ready to verify: Wherefore for Default of a fuffcient Replication of the faid N. in this Behalf the faid 7. and M. pray Judgment, and that the faid N. may be barred from having his faid Action against them the Causes of De- faid 7. and M. &c. And for Causes of demurring in Law according to the Form of the Statute in fuch Case made and provided, the faid J. and M. shew here to the Court, and demonstrate the sollowing Causes, to wit, for that the said Replication is double, and for that there are feveral Conclusions, and the faid N four Times prays Judgment, whereas he ought to have prayed Judgment but once; and for that the faid N. ill concludes to the Country when he ought not.

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Edward Northey, Nicholas Hooper.

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and the faid N. fays, that the faid Plea Joinder. him the faid N. in Manner and Form brefaid above by replying pleaded, and e Matter therein contained, are good and fficient in Law for him the said N. to ve and maintain his faid Action against e faid 7. and M. which faid Plea and e Matter therein contained he the faid I is ready to verify and prove as the ourt, &c. And because the said 7. and I do not answer the faid Plea, nor as et have any Ways denied it, he the faid I as before prays Judgment, and his faid ebt, together with his Damages by Oc fion of the detaining that Debt, to be ljudged to him, &c. But because the Continuance. ourt of our Lord the present King here e not yet advised of giving their Judgent of and upon the Premisses, a Day is hereupon given to the faid Parties before or Lord the King at Westminster, until next after to hear their udgment of and upon the faid Premisses, or that the Court of our faid Lord the

Middlesex, to wit, John Wrench, As-B.R. Debte gnee of Sir R. B. Knight, and Sir R. K. on a Bail-Bond by the Inight, Sheriff of the County of Middle-Assignme of the was aforesaid, according to the Form of Sheriff against the Statute in such Case lately made and one of the rovided, complains of John Jaques, otherwise called, &c. being in the Custody of the Marshal, &c. of a Plea, that he rener to him forty Pounds of lawful Money

resent King here is not yet advised, &c.

of

Bill of Middlesex fued

of Great Britain, which he owes him and unjustly detains; for that, to wit, That whereas after the first Day of Trinin Term in the Year of our Lord one thou fand feven hundred and fix, to wit, on the twentieth Day of May in the Year of our Lord one thousand seven hundred and fifteen, the faid John Wrench profect ted out of the Court of our faid Lord the King, before the King himself (the said Court then being at Westminster in the County of Middlesex aforesaid) a Precept of our faid Lord the King, commonly called a Bill of Middle (ex, directed to the Sheriff of the faid County of Middlefet, by which it was commanded to the fail Sheriff, that he should take one Peter Bris tain the Younger if he should be found in his Bailiwick, and keep him fafely, h that he should have his Body before ou faid Lord the King at Westminster on Monday next after the Morrow of our Lord to answer the said John Wrench of a Pla of Trespass, and also to a Bill of the sail John Wrench against the faid Peter Bri tain for twenty Pounds of Debt, according to the Custom of the Court of our faid Lord the King, before the King him felf, to be exhibited, which said Precept afterwards and before the Return of the fame, to wit, on the faid twentieth Day of May in the Year of our Lord one thou fand feven hundred and fifteen aforesaid at the Parish of St. Clement Danes in the County of Middlesex aforesaid, was delly vered

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ered to the faid Sir R. B. Knight, and ir R. K. Knight, then being Sheriff of he faid County of Middle fex, to be exeuted in due Form of Law : By Virtue Defendant atf which faid Precept, directed to the refted thereon. heriff of the faid County of Middlesex n Form aforesaid, the said Sir R. B. Inight, and Sir R. K. Knight, then beng Sheriff of the faid County of Middleex as aforesaid, afterwards, to wit, on he faid twentieth Day of May in the faid Year of our Lord one thousand seven undred and fifteen, took and arrested the aid Peter Britain at the Parish aforesaid n the County aforesaid, and had, detaind and kept the faid Peter then and there n his Custody by Virtue of the said Preept and that Arrest: And whereas the Bail Bond aid John Jaques afterwards, to wit, on given. he twenty-eighth Day of May in the Year of our Lord one thousand seven hundred and fifteen aforefaid, at the Parish aforesaid in the County aforesaid, the faid Peter Britain being so taken, arrested, detained and kept by the said Sheriff of the faid County of Middle fex as aforesaid, and then at the Parish aforesaid in the County aforesaid remaining in the Custody of the said Sheriff by the Virtue aforesaid, by his Writing Obligatory, sealed with the Seal of the said John Jaques, and to the Court of our faid Lord the Profert. now King here shewn, the Date of which faid Writing Obligatory is on the same twenty-eighth Day of May in the Year of

our Lord one thousand seven hundred and

fifteen aforefaid, acknowledged himself to be held and firmly bound to the faid Sir R. B. Knight, and Sir R. K. Knight, then being Sheriff of the faid County of Middle fex as aforefaid, by the Name of Sir R. B. Knight, and Sir R. K. Knight, Sheriff of the County aforesaid, in the faid forty Pounds, to be paid to the faid Sheriff or his certain Attorney, Executors, Administrators or Affigns when he should be thereunto afterwards required: With a Condition to the faid Writing Obligatory underwritten, that if the faid Peter Britain should appear before our faid Lord the King at Westminster, on the faid Monday next after the Morrow of the Ascension of our Lord, to answer the faid John Wrench of a Plea of Trespass, and also to a Bill as aforesaid, for twenty Pounds of Debt, then the faid Writing Obligatory to be void and of no Force, otherwise to stand and remain in its full Force and Effect: And whereas the faid Peter Britain did not appear before out faid Lord the King at Wesiminster on the faid Monday next after the Morrow of the Ascension of our Lord in the said Condition mentioned, according to the Form and Effect of that Condition, whereby the faid Writing Obligatory became for-Bail Bond af feited: and whereas afterwards, to will on the eleventh Day of June in the Year

of our Lord one thousand seven hundred and fifteen aforesaid, at the Parish aforeu

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aid in the County aforesaid, at the Reuest and Charges of the said John Wrench, he faid Sir R. B. Knight, and Sir R. K. night, Sheriff of the County of Middleex aforesaid, by the Name of Sir R. B. night, and Sir R. K. Knight, Sheriff of he County aforesaid, affigned to the said tohn Wrench the faid Writing Obligatory o made for the Appearance of the faid Peter Britain as aforefaid, by indorfing he Affignment of the faid Sheriff of the aid Writing Obligatory upon the faid Writing Obligatory, and by then and here attesting the said Assignment under he Hand and Seal of the faid Sheriff, in he Presence of two credible Witnesses; ccording to the Form of the Statute in uch Case lately made and provided; which faid Affignment (the Date whereof Profert of the s on the same eleventh Day of June in Assignment. he Year of our Lord one thousand seven undred and fifteen aforesaid) is also to he Court of our faid Lord the now King ere shewn; By Reason of which said Actio accreremisses, according to the Form of the vit Quer'. tatute in that Behalf made and provided, n Action has accrued to the faid John Vrench as Affignee of the faid Sir R. B. night, and Sir R. K. Knight, Sheriff of he faid County of Middlesex as aforefaid, o demand and have of the faid John aques the faid forty Pounds: Det the Breach of Payaid John Jaques, although often requi-ment. ed, &c. has not yet paid the faid forty

Pounds

Pounds to the said John Wrench, or to the said Sir R. B. and Sir R. K. or to any one of them, but has hitherto intirely refused to pay the same to the said John Wrench, or to the said Sir R. B. and Sir R. K. or to any one of them, and still resuses to pay the same to the said John Wrench, to the Damage of the said John Wrench of ten Pounds: And thereupon he brings Suit, &c.

B. R. Debt on a Bail-Bond by two Assignees of the Sheriff against one of the Bail.

Northampton, to wit, Emery Powk, Widow, and John Tucker, Assignees of Sir Francis St. John now Baronet, late Francis St. John, Esq; late Sheriff of the County aforesaid, according to the Form of the Statute in fuch Case lately made and provided, complain of John Barwel, otherwise called, &c. being in the Custody of the Marshal, &c. of a Plea, that he render to them one thousand and fixty Pounds of lawful Money of Great Britain, which he owes them and unjustly detains; For that, to wit, That whereas one Rebert Tebut the Younger, after the firt Day of Trinity Term in the Year of our Lord one thousand seven hundred and fix, to wit, on the twenty-fecond Day of July in the Year of our Lord one thou fand feven hundred and fifteen, at Ounds in the County aforefaid, by the faid Francis St. John, then Sheriff of the County aforefaid, was arrested at the Suit of then the faid Emery and John, by Virtue of certain Writ of our Lord the King called a La

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Latitat, profecuted out of the Court of ir faid Lord the King, before the King mfelf, the faid Court being then at Testminster in the County of Middlesex, the faid Emery and John against the id Robert Tebut the Younger, in a Plea Trespass, and to a Bill of the said Eery and John for eight hundred Pounds on Promife, according to the Custom, c. returnable in the fame Court on Mony next after three Weeks of St. Michael en next enfuing: And whereas the Bail-bond id Francis St. John being then Sheriff of given. e faid County of Northampton as aforeid, of and upon that Arrest took Bail r the faid Robert Tebut the Younger, to it, the faid Robert Tebut the Younger, d the faid John Barwel and one Robert ebut, which faid Robert Tebut the Youner, John Barwel and Robert Tebut, on e faid twenty-second Day of July in the ear of our Lord aforesaid, at Oundle arefaid in the County aforefaid, by a Vriting Obligatory, which, fealed as well Profert: ith the Seal of the faid John Barwel, as ith the Seals of the said Robert Tebut he Younger and Robert Tebut, the faid Eery and John bring here into Court, the ate whereof is on the same Day and ear last aforesaid; By which said Wring the said John Barwel acknowledged imself to be held and firmly bound to he said Francis St. John then being Sheff of the said County as aforesaid, by he Name of Francis St. John, Esq; Sheriff Vol. II.

Condition.

of the County of Northampton, in the faid one thousand and fixty Pounds, to be paid to the faid Sheriff or his Affigns when he the faid John Barwel should be thereunto required: With a Condition to the faid Writing Obligatory underwritten, that if the faid Robert Tebnt the Younger should appear before our faid Lord the King at Westminster on the said Monday next after three Weeks of St. Michael, to answer to the faid Emery Powle, Widow, and John Tucker, of a Plea of Trespass, and also to a Bill of the said Emery and John against the said Robert Tebut the Younger, for eight hundred Pounds upon Promise, according to the Custom of the Court of our Lord the King, that then the faid Obligation should be void and of no Effect, otherwise it should stand and remain in full Force, Strength and Effect, as by the faid Writing Obligatory and the Condition thereof more fully appears: And whereas the faid eight hundred Pounds being then unpaid, afterwards, to wit, on the third Day of March in the Year of our Lord aforefaid, at Oundle aforefaid in the County aforesaid, at the Request and Charges of the faid Emery and John, Plaintiffs in that Suit, the faid Francis St. Fobn by the Name of Sir Francis St. John, Baronet, late Sheriff of the County of Northampton aforesaid, by his Indorsement upon the faid Writing Obligatory, under the Hand and Seal of the faid late Sheriff, made and attested in the Presence of Elizabeth Hobkins

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Hobkins and Thomas Elded, two credible Witnesses; which, sealed with the Seal Profert of the of the Office of the faid Francis St. John, Indorsement, the faid Emery and John bring here into Court, the Date whereof is on the fame Day and Year last mentioned, assigned to the said Emery and John the said Writing Obligatory, according to the Form of the Statute in fuch Case lately made and provided, of which Premisses the said John Barwel, afterwards, to wit, on the same Day and Year, and at the Place last abovesaid had Notice; and the said E- Averment. mery and John in Fact fay, that the faid that the prin-Robert Tebut the Younger did not appear cipal Defenbefore our faid Lord the King at West- appear. minster on the said Monday next after three Weeks of St. Michael, in the faid Condition mentioned, according to the Form of that Condition, whereby the faid Writing Obligatory became forfeited; By Rea- Per quod fon of which Premisses, and by Force, Actio accreand according to the Form of the faid vit. Statute in fuch Case lately made and provided, an Action accrued to the faid Emery and John as Affignees of the faid Francis St. John, late Sheriff of the County of Northampton aforesaid, to demand and have of the said John Barwel the said one thousand and fixty Pounds: Det the aid John Barwel, although often requiled, &c. has not yet paid the faid one housand and fixty Pounds to the said Emery and John, but has hitherto intirely efused and still does refuse to pay them

dant did not

the same, to the Damage of the said E. mery and John of twenty Pounds: And thereupon they bring Suit, &c.

B. R. Debt on a Bail-Bond by two Assignees of the Sheriff against the principal Defendant.

Defendant arrested on a Latitat.

Northampton, to wit, Emery Powle, Widow, and John Tucker, Affignees, &c. complain of Robert Tebut the Younger. otherwise called, &c. being in the Custody of the Marihal, &c. of a Plea, that he render to them one thousand and fixty Pounds of lawful Money of Great Britain, which he owes them and unjustly detains; For that, to wit, That whereas the faid Robert, after the first Day of Trinity Term in the Year of our Lord one thousand feven hundred and fix, to wit, on the twenty-second Day of July in the Year of our Lord one thousand seven hundred and fifteen, at Oundle in the County aforesaid, was arrested by the said Francis St. John, then Sheriff of the County aforesaid, at the Suit of the said Emery and John, by Virtue of a certain Writ of our faid Lord the King, called a Latitat, profecuted out of the Court of our faid Lord the now King, before the King himfelf, the faid Court then being at Westminster in the County of Middlesex, by the faid Emery and John against the said Robert in a Plea of Trespass, and also to a Bill of the faid Emery and John for eight hundred Pounds upon Promile, according to the Custom, &c. returnable in the same Court of our said Lord the King on Monday next after three Weeks

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Weeks of St. Michael then next following: and whereas the faid Francis Bail-Bond St. John, then being Sheriff of the faid given. County as aforesaid, of and upon that Arrest took Bail for the said Robert Tebut the Younger, to wit, the faid Robert Tebut the Younger, and John Barwel and Robert Tebut, which faid Robert Tebut the Younger, John Barwel and Robert Tebut, on the faid twenty-second Day of July in the Year abovefaid, at Oundle aforefaid in the County aforesaid, by their Writing Obligatory, which fealed as well with the Profest of the Seal of the faid Robert Tebut the Younger, Bond. as with the Seals of the faid John Barwel and Robert Tebut, the faid Emery and John bring here into Court, the Date whereof is on the Day and Year last abovesaid, by which said Writing Obligatory the faid Robert Tebut the Younger acknowledged himself to be held and firmly bound to the said Francis St. John, then being Sheriff of the faid County as aforesaid, by the Name of Francis St. John, Esq; Sheriff of the County aforesaid, in the faid one thousand and fixty Pounds, to be paid to the faid Sheriff or his Affigns, when he should be thereunto required: With a Condition the faid Condition. to Writing Obligatory underwritten, that if the faid Robert Tebut the Younger should appear before our faid Lord the King at Westminster on the faid Monday next after three Weeks of St. Michael, to answer the faid Emery Porele, Widow, and John Tucker,

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of a Plea of Trespass, and also to a Bill of the faid Emery and John against the faid Robert Tebut the Younger for eight hundred Pounds upon Promise, according to the Custom of the Court of our Lord the King, that then the faid Obligation should be void and of no Force, otherwise to fland and remain in it's full Strength, Force and Effect, as by the faid Writing Obligatory and the Condition thereof Bail-Fond af- more fully appears: And whereas afterwards, to wit, on the third Day of March in the Year of our Lord aforefaid, at

Oundle aforesaid in the County aforesaid,

figned.

the faid Francis St. John, the faid eight hundred Pounds being then unpaid him, at the Request and Charges of the said Emery and John, Plaintiffs in that Suit, by the Name of Sir Francis St. John, Baronet, by his Indorfement made upon the faid Writing Obligatory under the Hand and Seal of the faid late Sheriff, and attested in the Presence of F. H. and T. E. two credible Witnesses, which, sealed with the Seal of the Office of the said Francis St. 7obn, the faid Emery and John bring here into Court, the Date whereof is on the same Day and Year last mentioned, assigned to the said Emery and John the faid Writing Obliga-

tory, according to the Form of the Statute in fuch Case lately made and provided, of which Premisses the faid Robert

Tebut the Younger afterwards, to wit, on

the same Day and Year, and at the Place

last mentioned, had Notice: And the said

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Emery

It fert of the Affignment.

Averment, that Defendant did not appear.

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Emery and John in Fact fay, that the faid Robert Tebut the Younger did not appear before our faid Lord the King at Westminster on the said Monday next after three Weeks of St. Michael in the faid Condition mentioned, according to the Form of that Condition, whereby the faid Writing Obligatory became forfeited; By Reason Per quod of which Premisses, and by Force, and Actio accreaccording to the Form of the Statute in VIC. fuch Case lately made and provided, an Action accrued to the faid Emery and John as Affignees of the faid Francis St. John, late Sheriff of the faid County of Northampton, to demand and have of the faid Robert Tebut the Younger the faid one thousand and fixty Pounds: Det the said Breach. Robert Tebut the Younger, although often required, &c.

Easter Term in the Tenth Year of King George the Second.

Middlesex, to wit, T. D. Assignee of Sir B. R. Debe William Rous, Knight, and Sir Benjamin on a Bail-Rawling, Knight, Sheriff of the faid Coun- Assignee of the ty of Middlefex, according to the Form of Sheriff against the Statute in fuch Case lately made and one of the provided, complains of R. 7. otherwise Bail. called R. 7. of the Parish of St. Martin in the Fields in the County of Middlesex, Gentleman, in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, of a Plea, that he I 4 render

Bill of Middlefex fued out. render to him forty Pounds of lawful Mo. ney of Great Britain, which he owes him and unjustly detains; For that, to wit, the faid T. D. after That whereas the first Day of Trinity Term in the Year of our Lord one thousand seven hundred and fix, to wit, on the twelfth Day of February in the tenth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at Westminster in the said County of Middlesex, fued forth out of the Court of our Lord the King, before the King himself, (the faid Court being then at Westminster aforesaid in the said County of Middlesex) a certain Precept of our faid Lord the King, commonly called a Bill of Middlesex, directed to the Sheriff of the faid County of Middlesex, by which it was commanded to the faid Sheriff, that he should take one O. B. if he should be found in his Bailiwick, and safe, ly keep him, fo that he might have his Body before our faid Lord the King at Westminster, on Wednesday next after fifteen Days from the Day of Easter, to anfwer the faid T. D. in a Plea of Trespals, and also to a Bill of the said T. D. against the faid O. B. for twenty Pounds upon Promife, according to the Custom of the Court of our faid Lord the King, before the King himself to be exhibited; and that he should have there then that Precept, which faid Precept afterwards, and before the Return

Delivered to the Sheriff.

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Return thereof, to wit, on the twentyninth Day of March in the faid tenth Year of his present Majesty's Reign, at Westminfter aforesaid in the County aforesaid, was delivered to the faid Sir William Rous. Knight, and Sir Benjamin Rawlin, Knight, then Sheriff of the faid County of Middlesex, to be executed in due Form of Law; by Virtue of which faid Precept, Defendant ardirected to the faid Sheriff of Middle few refted. in Form aforefaid, the faid Sir William Rous, Knt. and Sir Benjamin Rawlin, Knt. then and yet Sheriff of the faid County of Middle fex, afterwards, to wit, on the faid twenty-ninth Day of March in the tenth Year of his present Majesty's Reign, at Westminster aforesaid in the County aforesaid, took and arrested the said O. B. and held and kept the faid O. then and there in his Custody by Virtue of the faid Precept and Arrest: And Bail-Bond allo, whereas afterwards, to wit, on the given. second Day of April in the tenth Year of his present Majesty's Reign, at Westminster aforesaid in the County aforefaid, the faid O. B. being fo taken, arrested, detained and kept by the said Sheriff of Middlesex as aforesaid, and then at Westminster aforesaid in the said County of Middle fex, remaining in Custody of the faid Sheriff, by Virtue of the faid Precept, the faid R. 7. by his Writing Obligatory, fealed with his Seal, and to the Court of our faid Lord Profest. the King now here shewn, the Date of

which faid Writing Obligatory is the Day

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and Year last aforesaid, acknowledged himself to be held and firmly bound to the faid Sir William Rous, Knight, and Sir Benjamin Rawlin, Knight, then Sheriff of the faid County of Middle fex as aforesaid, by the Name of Sir William Rous, Knight, and Sir Benjamin Rawlin, Knight, Sheriff of the County of Middlefex aforesaid, in the Sum of forty Pounds, of lawful Money of Great Britain, to be paid to the faid Sheriff or his certain Attorney, his Executors, Administrators or Affigns, when he should be thereunto required, with a Condition to the faid Writing Obligatory underwritten, that if the faid O. B. should appear before our Lord the King at Westminster on the said Wednesday next after fifteen Days from the Day of Easter, to answer the said I. D. in a Plea of Trespass, and also to a Bill as aforesaid for twenty Pounds upon Promise, that then the faid Obligation should be void, or else to remain in full Force and Virtue; which faid Writing Obligatory, with the Condition there underwritten was taken by the faid Sheriff by Virtue of the faid Precept, and by Force of the Statute in fuch Case lately Default made. made and provided: And whereas the faid O. B. did not appear before our faid Lord the King at Westminster on the faid Wednesday next after fifteen Days

from the Day of Easter, in the Condition

aforesaid mentioned, according

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Form and Effect of that Condition; by Bond forfeited. which the faid Writing Obligatory became forfeited; and whereas afterwards, to wit, Affignment of on the fourth Day of May in the Year Bail-Bond. last mentioned, at Westminster aforesaid in the faid County of Middlesex, the faid Writing Obligatory being fo forfeited, and the Money therein mentioned, or any Part thereof, not being paid, the faid Sir William Rous, Knight, and Sir Benjamin Rawlin, Knight, Sheriff of the faid County of Middlesex, by the Name of Sir William Rous, Knight, and Sir Benjamin Rawlin, Knight, Sheriff of the faid County of Middlesex, at the Request and Charges of the faid T. D. affigned to the faid T. D. the faid Writing Obligatory fo as aforefaid made, for the Appearance of the faid O. B. by indorfing the faid Affignment on the faid Writing Obligatory, and by then and there attesting the faid Assignment under his Hand and Seal, in the Presence of two credible Witnesses, to wit, according to the Form of the Statute in fuch Case made and provided; which faid Affignment (the Date of Profert of Afwhich is the faid fourth Day of May in signment. the Year last aforesaid) is also to the said Court of our faid Lord the King now here shewn; by Reason of which said Actio accre-Premisses, according to the Form of the vit. Statute in that Case made and provided, an Action hath accrued to the faid T. D. as Affignee of the faid Sir Wil-

The Attorney's Practice

liam Rous, Knight, and Sir Benjamin Rawlin, Knight, Sheriff of the faid County of Middlesex as aforesaid, to demand and have of the said R. J. the said Sum of forty Pounds: Nevertheless, the said R. J. although often required, &c. hath not yet paid the said sorty Pounds to the said T. D. but has hitherto resused, and still doth resuse to pay the same to the said T. D. to the Damage of the said T. of ten Pounds: And thereupon he brings Suit, &c.

for the Plaintiff.
for the Defendant.

Hilary Term in the of, &c.

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Memorandum of the fame Term with Declaration. Middlesex, to wit, Be it remembers to, That on Friday next after the Octave of St. Hilary in this same Term, before our Lord the King at Westminster came A. B. Esq; and C. his Wife, by Harwood Auberry their Attorney, and brought into the Court of our said Lord the King then there, their Bill against D. E. Esq; otherwise called D. E. of, &c. Esq; being in the Custody of the Marshal of the Marshalfea of our said Lord the King, before

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the King himself, of a Plea of Debt, and there are Pledges of profecuting, to wit, John Doe and Richard Roe; which faid Debt by Ba-Bill follows in these Words: Middlesex, ron and Feme, to wit, A.B. Esq; and C. his Wife, com- Feme while plain of D. E. Esq; otherwise called D. E. fole. of, &c. Esq; being in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himfelf, of a Plea, that he render to them five hundred Pounds, lawful Money of Great Britain, which he owes them and unjustly detains; for that the faid D. E. on the fourteenth Day of May in the Year of our Lord one thousand seven hundred and thirty-four, at Westminster in the County of Middlesex aforesaid, by his certain Writing Obligatory, fealed with the Seal of him the faid D. E. and to the Court of Proferts our faid Lord the King now here shewn, the Date whereof is on the same Day and Year, acknowledged himself to be held and firmly bound unto the faid C. whilft fole, by the Name of C. L. of the Parish in the County of Spinster, in the faid five hundred Pounds, to be paid unto her the faid C. when he should be thereunto required; yet the faid D. E. (although by the faid C. whilft fole, and after her Inter-marriage with the faid A. B. by them the faid A. B. and C. often required, &c.) the faid five hundred Pounds unto the faid C. whilst fole, or after her Inter-marriage with the faid A.B. unto them the faid A.B. and G.

or either of them, hath not yet paid, but hath hitherto absolutely refused, and still doth refuse to pay the same; wherefore they the faid A. B. and C. fay that they are injured, and have Damage, to the Value of twenty Pounds: And thereupon

And the said D. E. by Thomas Manning

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they bring their Suit, &c.

Oyer prayed.

his Attorney, comes and defends the Force and Injury when, &c. and prays Oyer of the faid Writing; and it is read to him in these Words; Know all Men, &c. and he also prays Oyer of the Condition of the faid Writing; and it is likewife read to him in these Words, to wit, The Condition of this Obligation is fuch, &c. which being read and heard, he the faid D. E. Plea, that an faith, That the faid A. B. and C. his Wife, ought not to have their faid Action against him, because he saith, That he the said D. E. on the faid fourteenth Day of May in the faid Year of our Lord one thoufand feven hundred and fourteen, at Westminster aforesaid, did make, feal, and as

his Act and Deed deliver unto the faid C

when fole, the Writing herein before men-

tioned and fet forth: But he the faid D. E.

faith, That the Condition thereof, at the Time of the Sealing and Delivery of the

fame by him the faid D. E. was, and was

thereunto subscribed in the Words and Figures following, to wit, The Condition

Interlimeation was made after executing; Et fic non eft factum.

> of this Obligation is fuch, That if the above-bounden D. E. his Heirs, Executors or Administrators, do well and truly

pay, or cause to be paid, unto the abovenamed C. the Annuity of one and twenty Pounds of lawful Money of Great Britain. by quarterly Payments, on the four most usual Feasts or Quarter-Days in the Year. that is to fay, Michaelmas Day, Christmas Day, Lady Day, and Midsummer Day, the first Payment thereof to be made on the nine and twentieth Day of September now next enfuing the Date of these Prefents, or within fourteen Days after; then this Obligation to be void, or else to remain in full Force and Virtue: And the faid D. E. further faith, That after the Sealing and Delivering of the faid Writing by him the faid D. E. with that same Condition as aforefaid thereunto subscribed, to wit, the faid fourteenth Day of May in the faid Year of our Lord one thousand seven hundred and thirty-four, at Westminster aforesaid, he the said D. E. at the Request of the faid C. did interline in that same Condition between the Word (Britain) and the Word (by) these Words following, to wit, (yearly and every Year during the natural Life of the said C.) as these Words stand and appear in the said Condition, of which Oyer is above given; and so he the faid D. E. faith, That the aforesaid Writing, with the above-mentioned Condition, of which Oyer is above given, is not the Deed of him the faid D. E. And of this he puts himself upon the Country.

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B. R. Debt Years against the Executor of the Leffee, for Rent due in Testator's Time, and also in the Executor's Time.

London, to wit, Thomas Goddard, Mer. on a Lease for chant, complains of Robert Fowle, Gold. fmith, Executor of the Testament and last Will of Sir Thomas Fowle, Knight, deceased, being in the Custody of the Marshal of the Marshalsea of our Lord William and Lady Mary, now King and Queen of England, &c. before the faid King and Queen, of a Plea, that he render to him one hundred twenty and three Pounds and fifteen Shillings, which he unjustly detains from him; for that, to wit, that whereas by a certain Indenture made on the thirteenth Day of March in the Year of our Lord one thousand fix hundred and eighty-eight, at London aforefaid, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, between the faid Thomas Goddard, by the Name of Thomas Goddard of London, Merchant, of the one Part, and the faid Sir Thomas Fowle, by the Name of Sir Thomas Fowle of London, Knight, of the other Part; one Dart of which, sealed with the Seal of the faid Sir Thomas Fowle in his Life-time, and delivered as his Deed, the faid Thomas Goddard brings here into Court, the Date whereof is on the same Day and Year, reciting, That whereas by a certain Indenture, bearing Date on the tenth Day of Fanuary in the Year of our Lord one

thousand fix hundred and seventy-ong

and in the twenty-third Year of the Reign

Profert.

Leafe.

Reciting.

of his late Majesty Charles the Second,

late King of England, &c. made or mentioned to be made between the faid Thomas Goddard and Elizabeth his Wife, Francis Sholtrofs of Diggefwell in the County of Hertford, Efq; and Henry Sholtrofs, Citizen and Merchant-Taylor of London, of the one Part, and the faid Sir Thomas Fowle, by the Name of Thomas Fowle of London, Goldsmith, of the other Part. It was a- Fine to be legreed that the faid Thomas Goddard and vied. Elizabeth his Wife, Francis Sholtrofs and Henry Sholtrofs, before the End of the Term of St. Hilary then next enfuing the Date of the faid Indenture, should levy and acknowledge before the Justices of the Common Bench of the faid late King at Westminster, to the said Thomas Fowle and his Heirs one Fine Sur Conusance de droit come ceo, &c. with Proclamations, of all that Mesuage or Tenement situate in Fleet-freet between the Inner-Temple Gate and the Middle-Temple Gate, in the Parish of St. Dunstan in the West in the City of London, then in the Occupation of Richard Clarke, or his Affigns or Undertenants; and of all that Mesuage or Tenement situate in Fleet-street aforesaid, in the City of London, next adjoining to the aforefaid Mesuage, and then or late in the Tenure or Occupation of John Grove, or his Affignee or Affigns, together with all and fingular their Appurtenances thereunto belonging, or in any Manner appertaining; and of all other the Mesuages and Tenements of the said Vol. II. Thomas

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Power to make Leafes.

Thomas and Elizabeth Goddard, or of either of them, fituate and being in the Parish of St. Dunstan in the City of London, by fuch Name or Names, Additions or Descriptions, to ascertain the same as shall be thought fit: And by the faid Indenture it was declared, that the faid Fine, fo or in any other Manner to be had or levied, should be and enure to the Use of the faid Thomas Goddard for his Life, and after his Decease to the Use of the faid Elizabeth, Wife of the faid Thomas Goddard for her Life; and after the Death of the faid Thomas Goddard and Elizabeth his Wife, then to the feveral other Uses in the faid Indenture mentioned and declared, under and with the Proviso following, to wit, provided always and it was agreed by and between the faid Parties to the faid Indenture, and by them declared and agreed to be their Intention and Meaning, that it should be lawful to and for the faid Thomas Goddard, at any Time or Times during his natural Life, and also for the said Elizabeth after the Decease of the faid Thomas Goddard, to make or grant any Leafe or Leafes of the Premisses, or of any Part thereof, by Indenture for any Term or Terms of Years, either in Possession or Reversion, so that there should be referved and made payable for such of the faid Mesuages, as fhould be fo leafed during the whole of fuch Terms respectively, as shall be lo granted or made, fo much yearly Rent respectively, 1

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respectively, as such respective Mesuage or Tenement which shall be fo demised had been let for the major Part of ten Years then last past, and so that the Term of Years in any new Lease of the Premisses. and the Term of Years then to come of all or any of the Term or Terms of Years of the same, before such new Lease in Being, should not exceed in the Whole twenty one Years, as by the faid recited Indenture and Fine which was accordingly levied of the faid Mesuages and Premisses, Relation being thereunto had, would more at large appear: And whereas the said Thomas Fowle then had a Lease of the faid first mentioned Mesuage at the yearly Rent of forty Pounds, which faid Leafe would be expired on the fecond Day of May which would be in the Year of our Lord one thousand fix hundred and ninety-one; It was witnessed, that Q. Ill in Debs, the faid Thomas Goddard, for and in Consideration of a Surrender of the said recited Indenture, and in Profecution and y Virtue of the faid recited Proviso, and of the Power and Authority thereby referved to the said Thomas Goddard, and in Consideration of the Sum of five hundred Pounds of lawful Money of England to he said Thomas Goddard in Hand paid at br before the Sealing of the faid Indenure by the said Sir Thomas Foxole, for and n the Name of a Fine or Income, the Receipt whereof he the faid Thomas Godard by the faid Indenture acknowledged,

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and thereof acquitted and discharged the said Sir Thomas Fowle, his Executors, Ad-

ministrators and Assigns, by the said Indenture; one hundred and fifty Pounds, Part of which faid five hundred Pounds had been laid out by the faid Thomas Goddard in building and improving the faid first Mesuage then in the Tenure or Occupation of the faid Sir Thomas Fowle, and for the Advance and Increase of the Rent thereof; and in Consideration of the Rents, Covenants, Provifoes and Agreements in the faid Indenture afterwards reserved and mentioned on the Part and Behalf of the faid Sir Thomas Fowle, his Executors, Administrators and Assigns, to be paid, done and performed, the faid Thomas Goddard had demised, granted, and to Farm let, and by the faid Indenture Did demise, grant, and to Farm let to the faid Sir Thomas Fowle, his Executors, Administrators and Affigns, All that Mesuage or Tenement, with the Shops, Cellars, Sollars, Yards, Chambers, Rooms and Garrets thereunto belonging, then in the Tenure or Occupation of the faid Sir Thomas Fowle, or his Under-tenants of Assigns, situate and being in Fleet-street a. foresaid between the Inner-Temple Gate and the Middle-Temple Gate, in the Parish of St. Dunftan in the West in the City of London aforesaid, and all Lights, Easements and Profits, Water-courfes, Commodities and Appurtenances whatfoever,

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then belonging (except and always referved, Exception. Bc.) And by the faid Indenture it was declared and agreed, that all Drains, Gutters, Pipes, Currents, Water-courses and Passages of and for Water, and Privileges of Eves Droppings, and all Casements, Windows, and other Privileges and Accommodations upon, in or by and through the faid Mefuage by the faid Indenture demised, or any Part thereof, which then were made, used, accustomed or appertaining to the faid Mefuage or Tenement belonging to the faid Thomas Goddard, late in the Occupation of the faid John Grove, and then in the Occupation of William Osborne, joining in the faid demised Premisses, should remain, continue, be held and enjoyed therewith during the Term by the Indenture under granted, in fuch Sort as the same were then used, held and enjoyed; To have and to hold the faid demised Mesuage or Te- For twenty nement, and Premisses, with the Appur-Years and a tenances, and every Part and Parcel thereof (except as is before excepted) to the laid Sir Thomas Fowle, his Executors, Administrators and Affigns, from the second Day of November then last past before the Date of the faid Indenture, for and during, and unto the full End and Term of twenty Years, and one half of a Year thence next ensuing, fully to be complete and ended; Pielding and paying there-Reddenfore to the faid Thomas Goddard, and his dum. Affigns, yearly and every Year, and from K 3

Time to Time during the said Term of twenty Years, and one half of a Year, by the faid Indenture granted, if the faid Thomas Goddard should live so long, and after his Decease then to such Person or Persons, to whom the next Use or Estate of and in the faid demised Mesuage or Tenement and Premisses appertained, according to the Limitation of the respective Uses and Estates in and by the said recited Indenture limited, the yearly Rent or Sum of fifty and five Pounds of lawful Money of England, at four feveral Days of Payment in every Year, to wit, on the fecond Day of February, the fecond Day of May, the second Day of Auguft, and the fecond Day of November, by equal and even Portions, as by the faid Indenture brought here into Court, Relation being thereunto had, amongst other Things more fully appears: By dirtue of which faid Lease the said Sir Thomas Fowle in his Life-time entered into the faid Mesuage with the Appurtenances, and was thereof possessed, and held and enjoyed the faid Mesuage with the Appurtenances, from the faid fecond Day of November in the faid Year of our Lord one thousand fix hundred and eighty-eight, until the fecond Day of November in the Year of our Lord one thousand fix hundred and ninety; and afterwards, the faid Sir Thomas Fowle, Knight, on the eleventh Day of November in the Year last aforesaid died, to wit, at London afore-

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faid in the Parish and Ward aforesaid: and one hundred and ten Pounds of the aforesaid Rent (Parcel of the faid one Rent due in hundred twenty and three Pounds and Testator's fifteen Shillings) for two Years, ended on the faid fecond Day in the faid Year of our Lord one thousand six hundred and ninety-two, were then in Arrear and no Ways fatisfied, and still remain unpaid to the faid Thomas Goddard; whereby an Action accrued to the faid Thomas Goddard to demand and have of the faid Sir Thomas Fowle in his Life-time, and of the faid Robert Fowle after the Death of the faid Sir Thomas Fowle, the faid one hundred and ten Pounds, Parcel of the faid one hundred and twenty and three Pounds and fifteen Shillings; And allo thirteen Pounds and fifteen Shillings (Residue of Rent due afthe faid one hundred twenty and three fer bis Death. Pounds and fifteen Shillings) of the Rent aforefaid, after the Death of the faid Sir Thomas Fowle, for one Quarter of a Year, ended on the second Day of February in the Year of our Lord one thousand fix hundred and ninety-two aforesaid, were in Arrear and no Ways fatisfied to the faid Thomas Goddard, and still remain unpaid; whereby an Action hath accrued to the faid Thomas Goddard to demand and have of the said Robert Fowle the said thirteen Pounds and fifteen Shillings (Refidue of the faid one hundred twenty and three Pounds and fifteen Shillings): Det Breach the faid Sir Thomas Fowle in his Life-time,

K 4

and the faid Robert after the Death of the faid Sir Thomas Fowle, although often required, &c. have not paid, nor has either of them paid, the faid one hundred and ten Pounds, Parcel of the faid one hundred twenty and three Pounds and fifteen Shillings, or any Part thereof, to the faid Thomas Goddard, nor has the faid Robert paid the faid thirteen Pounds and fifteen Shillings, or any Part thereof, to the faid Thomas Goddard; but the faid Robert has refused and still does refuse to pay the faid one hundred twenty and three Pounds and fifteen Shillings to the faid Thomas Goddard, and unjustly detains the same, to the Damage of the said Thomas Goddard of fixty Pounds: And thereupon he brings Suit, &c.

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Hilary Term in the Ninth Year of King George the Second.

Debt on a Promissory Note. Middlesex, to wit, Thomas Tickle complains of Ephraim Derby, in the Custody of the Marshal, &c. in a Plea, that he render to the said Thomas ten Pounds, which he owes to him and unjustly detains, &c. for that inherens the said Ephraim, after the first Day of May in the Year of our Lord one thousand seven hundred and five, to wit, on the twenty-second Day of May in the Year of our Lord one thousand seven hundred and thirty-sour, at Westminster in the said County,

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County, made his certain Note in Wriing subscribed with his own Hand, comnonly called a Promissory Note, bearing Date the same Day and Year, by which Note the faid Ephraim promised to pay to the faid Thomas, or his Order, five Pounds, fix Months after the Date thereof, for Value received by the faid Ebraim; and the faid Ephraim did not pay to the faid Thomas the faid five Pounds mentioned in the faid Note, at the End of the faid fix Months therein mentioned; and the faid Thomas did not make any Order of and concerning the Payment of the faid five Pounds; by Reason of which an Action has accrued to the faid Thomas, to demand and have of the aid Ephraim the faid five Pounds, Parcel of the faid ten Pounds: And whereas the Debt for Molaid Epbraim afterwards, to wit, on the ney borrowed. first Day of March in the Year last mentioned, at Westminster aforesaid, borrowed of the faid Thomas five Pounds, Residue of the said ten Pounds, to be paid to the faid Thomas when he should be requested to pay the same: Devertheles, the faid Ephraim (although often requested) hath not paid to the faid Thomas the faid ten Pounds, or any Part thereof, but bath hitherto denied, and still doth deny to pay the same to the said Thomas, to the Damage of the faid Thomas of ten Pounds: And thereupon he brings Suit, &c.

Pledges, &c.

As yet of Michaelmas Term; Witness Philip Lord Hardwicke.

Warrant of Attorney for Plaintiff Administratrix, against Defendants Baron and Feme Executrix.

Middlefex, CArab Bulkley, Widow, Ad. to wit, O ministratrix of all and fingular the Goods and Chattels, Rights and Credits, which were the Goods and Char. tels, Rights and Credits of Edmund Percival deceased, at the Time of his Death. who died intestate, puts in her Place Robert Richardson her Attorney, against Fobn Warburton and Mary his Wife, Executrix of the last Will and Testament of William Bury deceased, of a Plea of Trefpass on the Case.

Warrant of Attorney for Defendants.

Middlefex, to wit, John Warburton and Mary his Wife, Executrix of the last Will and Testament of William Bury, deceased, put in their Place Walter Jobber their Attorney, at the Suit of Sarah Bulkley, Widow, Administratrix of all and singular the Goods and Chattels, Rights and Credits, which were the Goods and Chattels, Rights and Credits of Edmund Percival, deceased, at the Time of his Death, who died intestate in the Plea aforesaid.

Memoranceding Term.

Middlefex, to wit, Be it remembered, dum of a pre- That heretofore, that is to fay, of Easter Term last past, before our Lord the King at Westminster came Sarah Bulkley, Widow, Administratrix of all and singular the Goods and Chattels, Rights and Credits, which were the Goods and Chattels, Rights and Credits of Edmund Percival

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deceased, at the Time of his Death, who died intestate, by Robert Richardson her Attorney, and brought here into the Court of our faid Lord the King then there, her certain Bill against John Warburton and Mary his Wife, Executrix of the last Will and Testament of William Bury, deceased, being in the Custody of the Marshal of the Marshalsea of our said Lord the King, before the King himfelf, of a Plea of Trespass on the Case; and there are Pledges of profecuting, to wit, John Doe and Richard Roe; which faid Bill follows in these Words; to wit, Middlefex, to wit, Sarab Bulkley, dow, Administratrix of all and fingular the Goods and Chattels, Rights and Credits, which were the Goods and Chattels, Rights and Credits of Edmund Percival deceased, at the Time of his Death, who died intestate, complains of John Warburton and Mary his Wife, Executrix of the last Will and Testament of William Bury deceased, being in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, for that whereas the faid William in his Life- Indeb. Att. time, and in the Life-time of the faid for Meat, Edmund, to wit, on the first Day of April Drink, &c. in the Year of our Lord one thousand found and proseven hundred and thirty-one, at West- state for diminster in the said County of Middlesex, vers Persons was indebted to the said Edmund in thirty at Request of Pounds of lawful Money of Great Britain, Testator. for Meat, Drink, Washing, Lodging, Apparel,

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Quantum Meruit thereon.

Apparel, Nurfing, and other Necessaries, found and provided by the faid Edmund for divers Persons, at the special Instance and Request of the faid William; and be. ing fo indebted, the faid William in Confideration thereof, afterwards in the Life. time of the faid William, and in the Life. time of the faid Edmund, to wit, on the fame Day and Year at Westminster afore. faid in the County aforesaid, assumed upon himself, and then and there faithfully promised the said Edmund, that he the faid William would pay to the faid Edmund the faid Sum of Money when he should be thereunto afterwards requested: and whereas the faid William afterwards in his Life-time, and in the Life-time of the faid Edmund, to wit, on the same Day and Year at Westminster aforesaid in the County of Middlesex aforesaid, in Consideration that the faid Edmund, at the like special Instance and Request of the said William, had before that Time found and provided for divers other Persons, other Meat, Drink, Washing, Lodging, Apparel, Nurfing and other Necessaries, affumed upon himself, and then and there faithfully promised the said Edmund, that he the faid William would pay to the faid Edmund so much Money as he therefore reasonably deserved to have, when he the faid William should be thereunto afterwards requested; and the faid Sarab in Fact faith, That the faid Edmund did therefore reasonably deserve to have of

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the faid William thirty Pounds of like lawful Money of Great Britain, to wit, at Westminster aforesaid in the County aforefaid, of which the faid William afterwards in his Life-time, and in the Life-time of the faid Edmund, to wit, on the fame Day and Year at Westminster aforesaid in the County aforesaid, had Notice: and where Indeb. Aff. as the faid William afterwards in his Life- for Work done time, and in the Life-time of the faid Ed-and Money mund, to wit, on the Day and Year at thereon by In-Westminster aforesaid in the County of teffate, at Middle fex aforesaid, was indebted to the Request of faid Edmund in another Sum of thirty Testator. Pounds of like lawful Money of Great Britain for Work and Labour, at the like special Instance and Request of the said William, before that Time done and performed by the faid Edmund in and about divers Businesses of the faid William, and for divers Sums of Money in and about the same Businesses, at the like special Instance and Request of the said William, paid and expended by the faid Edmund; and being so indebted, the said William in Confideration thereof, afterwards in the Life-time of the faid William, and in the Life-time of the faid Edmund, to wit, on the same Day and Year at Westminster aforesaid in the County aforesaid, assumed upon himself, and then and there faithfully promised the faid Edmund, That he the faid William would pay to the faid Edmund the faid Sum of Money when he should be afterwards thereunto requested:

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And whereas the faid William afterwards in his Life-time, and in the Life-time of the faid Edmund, to wit, on the fame Day and Year at Westminster aforesaid in the County aforesaid, in Consideration that the faid Edmund, at the like special In. stance and Request of the said William, had before that Time done and perform. ed other Work and Labour in and about divers other Bufinesses of the faid William. and had expended and paid divers other Sums of Money in and about the fame last mentioned Businesses, assumed upon himself, and then and there faithfully promised the said Edmund, that he the said William would pay to the faid Edmund fo much Money as the faid Edmund reasonably deferved to have for his faid last mentioned Work and Labour, and fo much Money as the faid Edmund had expended and paid in and about those last mentioned Businesses, when the faid William fhould be thereunto afterwards requested; And the faid Sarab in Fact fays, That the faid Edmund did reasonably deserve to have of the faid William, for the faid Work and Labour last mentioned, other thirty Pounds of like lawful Money of Great Britain, and that the faid Edmund had expended and paid about the same Businesses other thirty Pounds of like lawful Money of Great Britain, to wit, at Westminster aforefaid in the County aforesaid, of which the faid William afterwards in his Lifetime, and in the Life-time of the faid Ed. mund,

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mund, to wit, on the same Day and Year at Westminster aforesaid in the County aforesaid, had Notice: Debertheles the Breach. faid William in his Life-time, and the faid Mary whilst she was a Widow after his Death, and the faid John and Mary his Wife after their Intermarriage, not regarding the faid several Promises and Afsumptions of the faid William made in Form aforesaid, but contriving and fraudulently intending craftily and fubtilly to deceive and defraud the faid Edmund in his Life-time, and the faid Sarab after his Death (to which said Sarah, after the Administra-Death of the faid Edmund, to wit, on the tion committwenty-seventh Day of March in the Year ted to Plainof our Lord one thousand seven hundred tiff. and thirty-four, at Westminster aforesaid, Administration of all and fingular the Goods and Chattels, Rights and Credits, which were the Goods and Chattels, Rights and Credits of the faid Edmund at the Time of his Death, was committed by Edmund by Divine Permission Bishop of London) in this Respect, have not, nor hath any of them paid the said several Sums of Money, or any Part thereof, to the said Edmund in his Life-time, or to the faid Sarab after his Death; (although the faid William in his Life-time, and the aid Mary whilst she was a Widow after his Death, and the said John and Mary fter their Marriage, were respectively reuested by the said Edmund in his Lifeime, and by the faid Sarab after his Death,

The Attorney's Practice

Death, to pay the same, to wit, at West minster aforesaid in the County aforesaid but they have wholly refused to pay the same, and the said John and Mary still resuse to pay the same to the said Sarah of forty Pounds: And thereupon she brings Suit, &c. And the said Sarah brings here into Court the Letters of Administration of the said Bishop, which testify the Commission of the said Administration to the said Sarah in Form aforesaid, the Date whereof is the Day and Year above-mentioned, in that Respect.

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Profert in Cur. of Letters of Administration.

Imparlance.

and now at this Day, that is to fay, Saturday next after three Weeks from the Day of St. Michael in this same Term, to which Day the faid John and Mary had Leave to imparle to the faid Bill, and then to answer, &c. before our Lord the King at Westminster, the faid Sarah Bulkley comes by her Attorney aforesaid; and the said John and Mary, altho' at the same Day solemnly demanded, come not, nor does the faid Attorney of the faid John and Mary fay any Thing in Bar or Preclusion of the faid Action of the faid Sarab Bulkley; whereby the faid Sarah Bulkley remains thereof undefended against the faid John and Mary, and fo forth; for which the faid Sarah Bulkley ought to recover her Damages sustained by Occasion of the Premisses: But because it is unknown to the Court of our faid Lord the King now here,

Interlocutory Judgment.

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here, what Damages the faid Sarah Bulkley has by the Occasion aforesaid in this Behalf sustained, the Sheriff is therefore commanded, that by the Oaths of twelve good and lawful Men of his Bailiwick he diligently inquire what Damages the faid Sarab Bulkley has fustained, as well by Means of the Premisses aforesaid, as for her Costs and Charges by her about her Suit in this Behalf expended; and that he fend the Inquisition which he shall thereupon take, to our Lord the King at Westminster on Friday next after fifteen Days. from the Day of St. Hilary, under his Seal and the Seals of them by whose Oaths he hall take that Inquisition, together with the Writ of our faid Lord the King to him thereupon directed. The same Day is given to the faid Sarah Bulkley at the lame Place: At which Day before our Return there-Lord the King at Westminster the said Sa- of rah Bulkley came by her Attorney aforesaid, and the Sheriff, to wit, Sir William Rous, Knight, and Sir Benjamin Rawlin, Knight, Sheriff of the County of Middlefex aforesaid, returned a certain Inquisi+ tion taken at the Court-House Westminster in the County aforefaid, on the twentyeighth Day of January in the tenth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, Be. before the said Sheriff, by Virtue of the faid Writ to him thereupon directed, on the Oaths of twelve good and lawful Men of his Bailiwick; whereby it is Vol. II. L found.

found, that the faid Sarah hath fuftained Damages by Reason of the Premisses a.

Fudgment

foresaid, besides her Costs and Charges by her about her Suit in this Behalf ex. pended, to twenty-four Pounds fourteen Shillings, and for those Costs and Charges to twenty Shillings. It is therefore confifigned 7th Fe- dered, That the faid Sarah Bulkley recobruary 1736, ver against the said John and Mary her faid Damages found in Form aforefaid by the faid Inquisition; as also nine Pounds fixteen Shillings for her Cofts and Charge aforesaid, by the Court of our Lord the King now here adjudged of Increase to the faid Sarah Bulkley by her Affent, which faid Damages in the whole amount to thirty-five Pounds ten Shillings, to be levied of the Goods and Chattels which were of the faid William Bury at the Time of his Decease, in the Hands of the said John and Mary to be administered, if they have so much in their Hands; and if they have not so much in their Hands, then the faid twenty Shillings and nine Pounds fixteen Shillings to be levied of the proper Goods and Chattels of the faid Fobra and Mary.

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Trinity Term in the Tenth and Elecenth Years of the Reign of King George the Second.

Middlefex, THILIP Hartwell complains Against Baron of Henry George Rounds and Feme on and Elizabeth his Wife (lately called Eli- a Promiffory zabeth Hancock, Widow) in Custody of Wife while the Marshal, and so forth, for that where- Sole. as the faid Elizabeth whilft she was Sole, after the first Day of May which was in the Year of our Lord one thousand seven hundred and five, to wit, on the eleventh Day of August in the Year of our Lord one thousand seven hundred and thirtyfive, at Westminster in the County of Middesex aforesaid, made a certain Note in Writing, commonly called a Promissory Note, subscribed with the proper Hand and Name of the faid Elizabeth, bearing Date the same Day and Year last abovementioned; which faid Note the faid Eizabeth then and there delivered to the aid Philip; and by the same Note she he said Elizabeth (by her then Name of Elizabeth Hancock) promised to pay to the aid Philip, or his Order, three Months fier the Date of the faid Note, one hunred and twenty-seven Pounds, for Value eceived by her the faid Elizabeth: By Reason whereof, and also by Force of the tatute in fuch Case lately made and proided, the said Elizabeth became liable to L 2 pay

The Attorney's Practice

pay to the faid Philip the aforefaid one hundred and twenty-seven Pounds in the fame Note mentioned, according to the Tenor of that Note; and being so liable the faid Elizabeth afterwards, whilst he was Sole, to wit, on the Day and Year last above-mentioned, at Westminster aforesaid in the County aforesaid, in Confideration thereof affumed upon herself, and then and there faithfully promifed the faid Philip, that she the faid Elizabeth would pay to the faid Philip the faid Sum of Money, according to the Force, Form Money lent to and Effect of the faid Note: And whereas the faid Elizabeth whilst she was Sole,

she Wife while Sole.

to wit, on the first Day of September in the Year of our Lord one thousand seven hundred and thirty-five abovefaid, at Westminster aforesaid in the County of Middle (ex aforesaid, was indebted to the faid Philip in the Sum of one hundred and fixty Pounds of lawful Money of Great Britain, for so much Money of the said Philip by him the faid Philip to the faid Elizabeth, whilft she was Sole, and at her special Instance and Request before that Time lent and advanced; and being there fore fo indebted the faid Elizabeth while the was Sole, in Consideration thereof, afterwards, to wit, the same Day and Year last abovesaid, at Westminster aforesaid in the County aforefaid, assumed upon her felf, and then and there faithfully promi fed the faid Philip, that she the faid Elizabeth would pay to him the faid Philip

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the aforesaid Sum of one hundred and fixty Pounds, when she the faid Elizabeth should be thereunto afterwards requested: And whereas the faid Elizabeth whilft the Money had was Sole, to wit, on the faid first Day of and received September in the Year of our Lord one by the Wife thousand seven hundred and thirty-five while Sole. abovesaid, at Westminster aforesaid in the County of Middlesex aforesaid, was indebted to the faid Philip in another Sum of one hundred and fixty Pounds of like lawful Money of Great Britain, for fo much Money of the faid Philip by the faid Elizabeth whilst the was Sole, for the Use of the said Philip before that Time had and received; and being therefore fo indebted the faid Elizabeth whilst she was Sole, in Confideration thereof, afterwards, to wit, the same Day and Year last abovefaid, at Westminster aforesaid in the County aforesaid, assumed upon herself, and then and there faithfully promifed the faid Philip, that the the faid Elizabeth would pay to him the faid Philip the aforefaid Sum of one hundred and fixty Pounds last mentioned, when she the said Elizabeth should be thereunto afterwards requested: And whereas the faid Elizabeth whilst she Quantum was Sole, to wit, on the faid first Day of Meruit for September in the Year of our Lord one Medicines for thousand seven hundred and thirty-five while Sole. abovesaid, at Westminster aforesaid in the County of Middle fex aforesaid, in Consideration that the faid Philip (he the faid Philip then and for several Years before

being an Apothecary, and the Art of an Apothecary there still using and exercising) at the like Instance and Request of the faid Elizabeth whilst she was Sole, before that Time had found and provided for the faid Elizabeth diverse Medicines, Plaisters, Ointments, and other Physical Necessa. ries, and also at the like special Instance and Request of the faid Elizabeth whilst the was Sole, before that Time had prepared for and applied and administered to the faid Elizabeth whilst she was Sole diverse other good and wholesome Medicines, Pills, Bolusses, Electuaries, Cordials, Potions, Draughts, and other Neceffaries to the Art aforefaid belonging, in and about the Cure of the faid Elizabeth, whilst she was Sole, of divers Weaknesses, Pains and Infirmities, which the faid Elizabeth did labour under, and also at the like special Instance and Request of the faid Elizabeth whilst she was Sole, had done and performed Apothecary's Work and Labour, for the faid Elizabeth, alfumed upon herself, and then and there faithfully promifed the faid Philip, that he the faid Elizabeth would pay to him the faid Philip fo much Money as he the faid Philip did therefore reasonably deserve to have, when she the faid Elizabeth should be thereunto afterwards requested: And the faid Philip in Fact fays, that he the faid Philip therefore reasonably deserved to have of the faid Elizabeth, while the was Sole, the Sum of one hundred and fixty

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fixty Pounds of like lawful Money of Great Britain, to wit, at Westminster atoresaid in the County aforesaid; whereof the said Elizabeth whilft she was Sole, to wit, the fame Day and Year at Westminster aforefaid, had Notice: And whereas the faid Indeb. Aff. Elizabeth whilft the was Sole, to wit, on for Medicines the faid first Day of September in the for the Wife Year of our Lord one thousand seven hundred and thirty-five abovefaid, at Weftminster aforesaid in the County of Middefex aforefaid, was indebted to the faid Philip in another Sum of one hundred and fixty Pounds of like lawful Money of Great Britain, as well for divers other Medicines, Plaisters, Ointments, and other Physical Necessaries by him the said Philip for the faid Elizabeth whilst she was Sole, at her like special Instance and Request before that Time found and provided in and about the Cure of divers other Weakness, Pains and Infirmities, which the faid Elizabeth whilft the was Sole did labour under, as for other Apothecaries Work and Labour of him the faid Philip, for the faid Elizabeth whilst the was Sole, at her like special Instance and Request before that Time done and performed: And being therefore so indebted the faid Elizabeth whilft she was Sole, in Consideration thereof, afterwards, to wit, the same Day and Year last abovefaid, at Westminster aforesaid in the County aforefaid, affumed upon herfelf, and then and there faithfully promifed the faid

Quantum Meruit for Goods fold and delivered to the Wife while Sole.

faid Philip, that the the faid Elizabeth would pay to him the faid Philip the aforesaid Sum of one hundred and fixty Pounds last mentioned, when she the said Elizabeth should be thereunto afterwards requested: And whereas the faid Eliza. beth whilst she was Sole, to wit, on the faid first Day of September in the Year of our Lord one thousand seven hundred and thirty-five abovefaid, at Wesiminster aforesaid in the County of Middlesex aforesaid, in Consideration that the said Philip, at the like special Instance and Request of the faid Elizabeth, before that Time had fold and delivered to the faid Elizabeth whilft she was Sole, divers Goods, Wares, and Merchandizes, affumed upon herfelf, and then and there faithfully promised the faid Philip, that she the said Elizabeth would pay to him the faid Philip fo much Money as the aforesaid Goods, Wares and Merchandizes (at the Time of the Sale, and Delivery thereof) were reasonably worth, when she the said Elizabeth should be thereunto afterwards requested; and the faid Philip in Fact fays, that the aforesaid Goods, Wares and Merchandizes (at the Time of the Sale and Delivery thereof) were reasonably worth another Sum of one hundred and fixty Pounds of like lawful Money of Great Britain, to wit, at Westminster aforefaid in the County aforesaid; whereof the faid Elizabeth whilft she was Sole, to wit, the same Day and Year at Westminster aforefaid

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foresaid had Notice: And whereas the Indeb. Aff. aid Elizabeth whilft she was Sole, to wit, for Goods fold in the faid first Day of September in the and delivered to Wife Year of our Lord one thousand seven while Sole. hundred and thirty-five abovefaid, at Westninster aforesaid in the County of Mid-Hefex aforesaid, was indebted to the faid Philip in another Sum of one hundred and ixty Pounds of like lawful Money of Great Britain, for divers other Goods, Wares and Merchandizes of the faid Philip, by he faid Philip to the faid Elizabeth whilft he was Sole, at her like special Instance and Request before that Time fold and delivered: And being therefore so indebted the faid Elizabeth whilst she was Sole, n Consideration thereof, afterwards, to wit, the same Day and Year last abovelaid, at Westminster aforesaid in the Counly aforesaid, assumed upon herself, and hen and there faithfully promifed the laid Philip, that she the said Elizabeth would pay to him the faid Philip the aforefaid Sum of one hundred and fixty Pounds last mentioned, when she the faid Elizabeth should be thereunto requested: And whereas the faid Elizabeth whilst she Indeb. Ass. was Sole, to wit, on the first Day of Sep- for Money tember in the Year of our Lord one thou- laid out for land seven hundred and thirty-five above- while Sole. laid, at Westminster aforesaid in the County of Middlesex aforesaid, was indebted to the faid Philip in another Sum of one hundred and fixty Pounds of like lawful Money of Great Britain, for so much Money

Money of the said Philip, by the said Philip for the said Elizabeth whilst she was Sole, and to her Use, at the like special Instance and Request of the said Elizabeth, before that Time paid, laid out and expended: And being therefore so indebted the said Elizabeth whilst she was Sole,

in Confideration thereof, afterwards, to wit, the fame Day and Year abovefaid, at Westminster aforesaid in the County a. foresaid, assumed upon herself, and then and there faithfully promifed the faid Philip, that she the said Elizabeth would pay to him the faid Philip the aforefaid Sum of one hundred and fixty Pounds last mentioned, when she the said Elizabeth should be thereunto afterwards requested: Det the faid Elizabeth whilst she was Sole, and the faid Henry George and Elizabeth fince their Intermarriage, not regarding the faid feveral Promifes and Affumptions of the faid Elizabeth made in Form aforefaid, but contriving and fraudulently intending to deceive and defraud the faid Philip in this Behalf, the aforesaid several Sums of Money, or any Part thereof, have not, nor hath either of them paid to the faid Philip (although the faid Eligabeth whilft the was Sole, to wit, the

fame Day and Year last abovesaid, and the said Henry George and Elizabeth since their Internarriage, to wit, on the twentieth Day of October in the Year of our Lord one thousand seven hundred and thirty-six, and often since, at Westminster

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foresaid in the County aforesaid, by the aid Philip have been thereunto respectively requested) but to pay those Sums to he said Philip, the said Elizabeth whilst he was Sole, and the said Henry George and Elizabeth since their Intermarriage, are altogether resused, and still do resuse, to the Damage of the said Philip of wo hundred Pounds: And thereupon he brings his Suit, &c.

Defendant in Custody.

Pledges to prosecute

The Plaintiff.

John Doe,

and

Richard Roe.

Of the Term of Saint Michael in the Ninth Year of the Reign of King George the Second.

Middlefex, to wit, R. R. complains of Indorfee of a Onflow Burrish, Gentleman, being in the Promissory Note against the Lord the Marshal of the Marshalfea of the Lord the King, before the King himself, for that whereas the said Onslow, after the first Day of May in the Year of our Lord one thousand seven hundred and sive, to wit, on the twenty-fifth Day 25 Sept. of September in the Year of our Lord one 1727. Note thousand seven hundred and twenty-seven, at Westminster in the said County, made a certain Note in Writing, subscribed with his own Hand, commonly called a Promissory

Payable in four Months. Promissory Note, bearing Date the same Day and Year last mentioned, by which Note the faid Onllow promised to pay to

Mrs. Henrietta Smith, or her Order, four Months after the Date of the faid Note,

the Sum of ten Pounds for Value received by the faid Onflow; and the faid Sum of Money being unpaid, the faid Henrietta

Smith afterwards, to wit, on the twenty. eighth Day of September in the Year last

aforesaid, at Westminster aforesaid in the

faid County, indorfed the faid Note, her own Hand being thereunto fubscribed, and by the faid Indorfement appointed

the Contents of the faid Note to be paid to Samuel Ander son, or his Order, for Va-

lue received; and the faid Sum of Mo-

ney being unpaid, the faid Samuel afterwards, to wit, on the thirtieth Day of

September in the Year last aforesaid, at Westminster aforesaid in the said County,

indorsed the faid Note, his own Hand

being thereunto subscribed, and by the faid Indorsement appointed the Contents

of the faid Note to be paid to the faid

Robert, or his Order, for Value received by the faid Samuel; of which Premisses

the faid Onflow afterwards, and after the

End of the faid four Months, to wit, on

1 May 1732. the first Day of May in the Year of our Notice to De- Lord one thousand seven hundred and

thirty-two, at Westminster aforesaid in the

faid County, had Notice; And by Rea-

fon of the Premisses, and by Force of the Statute in that Case lately made and pro-

vided,

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sided, the said Onflow became liable to pay to the faid Robert the faid Sum of Money contained in the faid Note; and being so liable he the said Onflow afterwards, to wit, on the Day and Year last bove-mentioned, at Westminster aforesaid n the faid County, affumed upon him- And Affumpelf, and then and there faithfully promi- hit. led the faid Robert, that he the faid Onlow would pay to the faid Robert the faid sum of Money when he should be requested to pay the same: And whereas 25 Sept. the faid Onflow afterwards, to wit, on the 1727- Andfaid twenty-fifth Day of September in the ther Note. Year of our Lord one thousand seven hundred and twenty-seven aforesaid, at Westminster in the faid County, made a certain other Note in Writing, subscribed with his own Hand, commonly called a Promissory Note, bearing Date the same Day and Year last abovefaid, by which Note the faid On flow promised to pay to the faid Mrs. Henrietta Smith, or her Order, four Months after the Date of the said Note, the Sum of ten Pounds for Value received by the faid Onflow; and the faid Sum of Money last mentioned being unpaid, the faid Henrietta Smith afterwards, to wit, on the twenty-eighth Day of September in the Year last aforesaid, at Westminster aforesaid in the said County, indorfed the said Note, her own Indorfed. Hand being thereunto fubscribed, and by the faid Indorsement appointed the Contents of the said last mentioned Note to

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be paid to Samuel Anderson, or his Order.

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for Value received; and the faid Sum of Money being unpaid, the faid Samuel af. terwards, to wit, on the thirtieth Day of September in the Year last aforesaid, at Westminster aforesaid in the said County, indorfed the faid Note, his own Hand being thereunto subscribed, and by the faid Indorsement appointed the Contents of the faid Note to be paid to the faid Robert, or his Order, for Value received by the faid Samuel; of which Premisses the faid Onflow afterwards, to wit, on the fame Day and Year last aforesaid, at Wellminster aforesaid, had Notice; and by Reason of the Premisses, and by Force of the Statute in that Case lately made and provided, the faid On flow became liable to pay to the faid Robert the faid Sum of Money contained in the faid last mentioned Note, according to the Form and Effect of the faid Note; and the faid Sum of Money last mentioned being unpaid, the faid On flow, in Confideration of the Premisses, afterwards, to wit, on the tenth Day of May in the Year of our Lord one thousand seven hundred and thirty-three, at Westminster aforesaid in the faid County, paid to the faid Robert Part, to wit, the Sum of five Pounds of the faid ten Pounds last mentioned, and assumed upon himself, and then and there faithfully promised the said Robert, that he the faid Onflow would pay to the faid Robert the Residue of the said Sum of Money

10 May 1733. Defendant pays Part, and Af-Sumplit for the reft.

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Money contained in the faid last mentioned Note, when he should be thereunto afterwards requested : Det the faid Onflow Brench: not regarding his faid feveral Promifes and Assumptions made in Form aforesaid, but contriving and fraudulently intending craftily and fubtilly to deceive and defraud the said Robert in this Respect, has not paid to the faid Robert the first abovementioned Sum of Money, or any Part thereof, or the Residue of the said last above-mentioned Sum of Money, or any further Part thereof, (although the faid Onlow afterwards, to wit, on the first Day of Odober in the Year of our Lord one thousand seven hundred and thirty-five, at Westminster aforesaid, was requested by the faid Robert to pay him the fame) but has hitherto wholly refused, and still doth refuse to pay the same to the said Roert, to the Damage of the said Robert of twenty Pounds: And thereupon he brings Suit, &c.

Pledges of Profecuting Fohn Doe, Richard Roe.

Trin. 8 & 9 Geo. 2.

condon, MARK Ratcliffe complains Indeb. Ass. to wit, M of Joseph Northcott in the for the Freight Custody of the Marthal, &c. for that, to of Goods and Merchantit, that whereas the said Joseph on the dizes. In Day of March in the Year of our

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Lord one thousand seven hundred and thirty-four, at London aforesaid, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, was indebted to the faid Mark in fifty Pounds of lawful Money of Great Britain, for the Freight of diven Goods and Merchandizes, before that Time carried by the faid Mark in his Velfel for the faid foseph, at the special Instance and Request of the said Foseph, and for other Labour, Work and Service before that Time done and performed by the said Mark for the said Foseph, at the like special Instance and Request of the faid Foseph; and being so indebted he the faid Foseph, in Confideration thereof, afterwards, to wit, on the same Day and Year, at London aforesaid in the Parish and Ward aforefaid, did affume upon himself, and then and there faithfully promise the said Mark, that he the said Foseph would pay to the said Mark the faid Sum of Money when the faid Foseph should be requested to pay the same: And whereas the faid Tofeph afterwards, to will, on the same Day and Year at London aforesaid in the Parish and Ward aforesaid, in Consideration that the said Mark, at the like special Instance and Request of the faid fofeph, had before that Time carried divers other Goods, Wares and Mer chandizes on board another Vessel of the faid Mark, for the faid Joseph, and also had before that Time, at the like special Instance and Request of the said Fost

Quantum Meruit for the Freight of Goods and Merchandizes.

one and performed other Labour, Work nd Service for the faid Joseph, did afume upon himself, and then and there aithfully promite the faid Mark, that he he said Joseph would pay to the said Mark so much Money as he therefore reaonably deferved to have when the faid foleph should be requested to pay the ame; and the faid Mark in Fact fays, that he did therefore reasonably deserve o have of the faid Joseph other fifty ounds of like lawful Money of Great Britain, to wit, at London aforesaid in the arish and Ward aforesaid, of which the aid foseph had then and there Notice: Revertheless the said Foseph in no wise Breach. egarding his faid feveral Promises and Afimptions made in Form aforefaid, but ontriving and fraudulently intending crafly and fubtilly to deceive and defraud he faid Mark in this Respect, has not aid to the said Mark the said several ums, or any Part thereof, (although the id Foseph afterwards, to wit, on the venty-eighth Day of May in the Year of ur Lord one thousand seven hundred nd thirty-five, at London aforesaid in the arish and Ward aforesaid, was requested the faid Mark to pay him the same) ut has hitherto refused, and still doth rele to pay the same to the said Mark, to e Damage of the faid Mark of fixty ounds: And thereupon he brings Suit, Pledges, &c.

Vol. II.

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Easter Term in the Eighth Year of the Reign of King George the Second.

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By an Attorney Indeb. Aff. for Business done, Money laid out, and for Fees.

Middlesex, JOHN Duncombe Gentleman, to wit, Jone of the Attornies of the Court of the Lord the King, before the King himfelf being, according to the Liberty and Privilege of fuch Attornies of the fame Court, from the Time whereof the Me. mory of Man is not to the contrary, uld and approved of in the same, present here in Court in his proper Person, complained Samuel Anderfon and Henry Child in the Custody of the Marshal of the Marshalfead the Lord the King, before the King himfelf being, forthat whereas the faid Samuel and Henry, on the first Day of January in the Year of our Lord one Thousand for ven Hundred and Thirty-four, at West minster in the County of Middlesex, were indebted to the said John in fifty Pounds of lawful Money of Great Britain, for Work and Labour as an Attorney and Solicitor, before then done and performed Upon Retainer. by the faid John, upon the Retainer and at the special Instance and Request of the faid Samuel and Henry, in and about the profecuting, defending and foliciting divers Causes, Suits and Bufinesses, and fo Money laid out, expended and paid by the faid John at the like Instance and Reque of the said Samuel and Henry, in and abou

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the profecuting, defending and foliciting of those Causes, Suits and Businesses, and for the Money due to the faid John for his Fees due and of Right payable to him in that Respect; and being so indebted they the faid Samuel and Henry, in Confideration thereof afterwards, to wit, on the same Day and Year at Westminster aforefaid, affumed upon themselves, and then and there faithfully promifed the faid fohn, that they the faid Samuel and Henry would pay to the faid John the faid Sum of Money when requested to pay the same : and whereas the faid Samuel and Henry after- meruit for wards, to wit, on the same Day and Year Bufiness cone at Westminster aforesaid, in Consideration as an Attorney that the said fohn, upon their Retainer, on Retainer, that the said fohn, upon their Retainer, on Retainer, and at their like Instance and Request, had out, and for done and performed other Work and La- Fees. bour as an Attorney and Solicitor in and about the profecuting, defending and foliciting divers other Causes, Suits and Busineffes, and laid out, expended and paid other Money in and about the profecuting, defending and foliciting of those Causes, Suits and Bufineffes, affumed upon themfelves, and then and there faithfully promised the said John, that they the said Samuel and Henry would pay to the faid John so much Money as he reasonably deserved to have for his last mentioned Work and Labour, and fo much Money as he had so laid out, expended and paid in and about the faid profecuting, defending and foliciting the faid last mentioned M 2

Causes, Suits and Businesses; and so much

Money as was due to the faid John for his Fees due and of Right payable to him in that Respect, when the said Samuel and Henry should be thereunto requested : And the faid John avers, that he reasonably deserved to have of the said Samuel and Henry, for his last mentioned Work and Labour, other fifty Pounds of like lawful Money; and that he had fo laid out, expended and paid in and about the faid profecuting, defending and foliciting the faid last mentioned Causes, Suits and Businesfes, thirty Pounds of like lawful Money; and that twenty Pounds of like lawful Money were due to the said Fobn for his Fees due and of Right payable to him in that Respect, to wit, at Westminster aforefaid, whereof the faid Samuel and Henry then and there had Notice : and whereas also the aforesaid Samuel and Henry afterwards, to wit, on the same Day and Year at Westminster aforesaid, were indebted to the faid John in eighteen Pounds of like lawful Money for the like Sum of Money by the same John, at the special Instance and Request of the faid Samuel and Henry before that Time expended, laid out, difburfed and paid; and being fo indebted the faid Samuel and Henry afterwards, to wit, the same Day and Year at Westminster aforesaid, in Consideration thereof assumed upon themselves, and to the same John then and there faithfully promised, that they the faid Samuel and Henry the fame eighteen

Indeb. Ass. for Money laid out and expended.

in the Court of King's Bench.

165

eighteen Pounds to the same John, when they should be thereto afterwards requested, would well and truly pay and content : Det the faid Samuel and Henry in no Breach. wife regarding their faid feveral Promifes and Assumptions made in Form aforesaid. but contriving and fraudulently intending craftily and fubtilly to deceive and defraud the said John in this Respect, have not, nor either of them hath paid to the faid John the faid feveral Sums of Money, or any Part thereof, (although the faid Samuel and Henry afterwards, to wit, on the fifth Day of January in the same Year at Westminster aforesaid, were requested by the faid John to pay him the fame) but have hitherto refused, and still do refuse to pay the same to the said John, to the Damage of the faid John of fixty Pounds: And thereupon he brings Suit, &c.

Duncombe in Person.

for the Defendants.

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which Defen
dant had joint
Use with
Plaintiff.

Middlesex, to wit, Robert Richardson, Gentleman, one of the Attornies of the Court of our Sovereign Lord the King, before the King himself, according to the Liberty and Privilege for such Attornies and other Ministers of the same Court, from the Time whereof the Memory of Man is not to the contrary, used and approved of in the same, present here in Court in his proper Petson, complains of Thomas Tuder, being in the Custody of the Marshal of the Marshalsea of our said Lord the King, before the King himself, so that whereas the said Thomas on the

Day of in the Year of our Lord one Thousand seven Hundred and at Westminster in the faid County of Middle fex, in Confideration that the faid Robert, at the special Instance and Request of the said Thomas, would hire a Chamber ready furnished in any Inn of Court or of Chancery, and find and provide a Person to clean and take Care of the fame, and also would find and provide Fuel and Candles, and other Things necessary and convenient in and about the Occupation of the faid Chamber, and would permit and give Leave to the faid Thomas, to occupy and make use of the faid Chamber, Fuel, Candles and other Necessaries and Conveniences, jointly with the faid Robert, fo long as both the faid Parties should please, affumed upon himfelf, and then and there faith-

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faithfully promised the said Robert, that he the said Thomas would repay to the said Robert a Moiety of the Expences which he should be but to in and about the Premisses; and the said Robert in sact says, That he the said Robert giving Credit to the said Promise and Assumption of the said Thomas, made in Form aforesaid, afterwards, to wit, on the Day of

in the same Year, at the Instance of the said Thomas, hired a Chamber ready surnished, in a certain Inn of Chancery, called

Inn in the faid County of Middlesex, for the Term of three Years, to commence from the Day of

of which the faid Thomas afterwards, to wit, on the same Day and Year at Westminster aforesaid had Notice; and the faid Robert then and there gave License to the said Thomas to occupy and make Use of the said Chamber, and all the faid Fuel, Candles, and other Necesfaries and Conveniences to be found and provided therein by the faid Robert as aforesaid, jointly with the said Robert, for and during that Term; and although the faid Robert continued in the Occupation of that Chamber for all the faid Term, and during all that Time found and provided Person to clean and take Care of the faid Chamber, and also Fuel, Candles, and all other Things necessary and convenient in and about the Occupation of the faid Chamber, and the faid Thomas, for and during all those three Years freely and M 4 without

d

without Hindrance or Denial of the faid Robert, might have made Use of the faid Chamber, Fuel, Candles, and other Necessaries and Conveniences aforesaid, jointly with the said Robert, and did accordingly make Use of the same for Part of that Time; and although the said Robert did expend and pay for the Hire of the said Chamber, cleaning and taking Care of the same as aforesaid, Fuel, Candles and other Necessaries and Conveniences used therein for those three Years, several Sums of Money, in the whole amounting to

of lawful Money of Great Britain, of which the faid Thomas afterwards, to wit, on the Day of

in the Year of our Lord

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one Thousand seven Hundred and

at Westminster aforesaid, had Notice; and the said Thomas was then and there requested by the said Robert to repay to the said Robert, a Moiety or half

Part of the said Sum of fo expended and paid by the said Robert as aforesaid, according to the Form and Effect of the said Promise and Assumption of the said Thomas: Mevertheless the said Thomas in no wise regarding his said Promise and Assumption made in Form aforesaid, but contriving and fraudulently intending crastily and subtilly to deceive the said Robert, in this Particular, has not yet repaid to the said Robert a Moiety of half Part of the said Robert as a foresaid

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foresaid, or any Part thereof, but has hitherto wholly refused, and still refuses to pay him the fame, or any Part thereof: and whereas the faid Thomas afterwards, Indeb. Afto wit, the Day and Year last mentioned sumplit for at Westminster aforesaid, was indebted to Lodging, &c. the faid Robert in other of lawful Money of Great Britain, for other Lodging, Fuel and Candles, before that Time found and provided by the faid Robert for the faid Thomas, at the special Instance and Request of the faid Thomas; and the faid Thomas being fo indebted, in Consideration thereof, afterwards, to wit, on the same Day and Year at Westminster aforesaid, assumed upon himself, and then and there faithfully promised the said Robert that he the faid Thomas would pay to the faid Robert the last mentioned Sum of Money when the faid Thomas should be requested to pay the same : And whereas the said Quantum Thomas afterwards, to wit, at the same on. Day and Year at Westminster aforesaid, in Consideration that the said Robert, at the ike Instance and Request of the said Thomas, had before that Time found and provided for the faid Thomas other Chambers, Loding, Fuel and Candles, affumed upon himself, and then and there faithfully promised the said Robert, that he the said Thomas would pay to the faid Robert so much

Money as he therefore reasonably deserved

nave, when the said Thomas should be re-personal puested to pay the same; and the said Ro-ters in Fact says, that he reasonably de-claid lerved to have for the same of the said Thomas

Thomas, other of like lawful Money, to wit, at Westminster a-foresaid, of which the said Thomas had then and there Notice: And whereas the said Thomas afterwards, to wit, on the same Day and Year, at Westminster aforesaid was indebted to the said Robert in other

Indeb. Affumpfit for Money laid out for Defendant's Use.

of like lawful Money, for Money before that Time laid out, expended and paid by the faid Robert, for the Use of the said Thomas, and at his special Instance and Request; and the faid Thomas being so indebted, in Consideration thereof, afterwards, to wit, on the fame Day and Year at Westminster afore. faid, assumed upon himself, and then and there faithfully promised the said Robert, that he the faid Thomas would pay to the faid Robert the last mentioned Sum of Money, when the faid Thomas should be requested to pay the same : Devertheles the faid Thomas in no wife regarding his three last mentioned Promises and Assumptions made in Form aforesaid, but contriving and fraudulently intending fubtilly to deceive and defraud the faid Robert also in this Respect, has not yet paid to the said Robert the faid several Sums of Money mentioned in those Promises and Assump tions, or any Part thereof (although the faid Thomas afterwards, that is to lay, of in the Day of same Year, at Westminster aforesaid, was re quested by the said Robert to pay him th same) but has hitherto wholly refused, an

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refuses to pay those several Sums to the Robert, to the Damage of the faid And therebert of on he brings Suit, &c.

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ledges to profecute { John Doe, and Richard Roe,

her Term in the thirteenth Year of King George the Second.

C. and J. C. complain of Declaration wit, A. C. and f. C. complaint Declaration wit, A. C. K. in the Custody of on promissory Marshal, &c. For that whereas Note by joint faid Charles, on the twelfth Day Indorsees a-November, in the Year of our Lord against the Thousand seven Hundred and Think Thousand seven Hundred and Thirtyen, at London aforesaid, the Parish of St. Mary le Bow in Ward of Cheap, made his Note in iting, commonly called a Promissory ne, subscribed with his own proper nd, bearing Date the same Day and y to a, and then and there delivered the Note to one Archibald Douglas; and the faid Note the faid Charles proled to pay to the faid Archibald, or his der, twelve Months after the Date of faid Note, three Hundred and fortym Pounds, for Value received by him Indorsement. faid Charles; which faid Archibald afvards, and before the Time limited the Payment of the faid three Hunand forty-feven Pounds by the faid Note

The Attorney's Practice

Note, to wit, on the Day and Year above faid, at London aforesaid, in the Panil and Ward aforefaid, by his Indorfement fubscribed with his own proper Hand upo the same Note, appointed the Content of the faid Note, to wit, the faid three Hundred and forty-feven Pounds, to paid to the faid Alexander and James for Value received; of which Premisses the faid Alexander and James afterwards, wit, on the Day and Year abovefaid. London aforefaid, in the Parish and Was aforesaid, gave Notice to the said Charles by Reason whereof, and by Force of the Statute in fuch Case made and provide the faid Charles became liable to pay to the faid Alexander and Fames the faid the Hundred and forty-feven Pounds, accord ing to the Tenor of the faid Note: At the faid Charles being fo liable afterward to wit, on the Day and Year abovefal at London aforesaid, in the Parish a Ward aforesaid, in Consideration there undertook, and then and there faithful promised the said Alexander and James pay them the faid three Hundred a forty-feven Pounds, according to the I nor of the faid Note: And whereas faid Charles afterwards, to wit, on the Money received Day of Fanuary in the Year of our Lo one Thousand seven Hundred and thin Eight, at London aforefaid, in the Par and Ward aforesaid, was indebted to faid Alexander and James in other th Hundred and forty-seven Pounds of

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er th of la Money of Great Britain, for Monies him the faid Charles before that Time d and received to the Use of them the d Alexander and James; and the faid arles being so indebted in that Behalf, erwards, to wit, on the Day and Year t abovefaid, at London aforefaid in the rish and Ward aforesaid, in Consideran thereof undertook, and then and ere faithfully promised the said Alexanand James to pay them the faid three ndred and forty-seven Pounds last menned : Devertheles the faid Charles Breach. tregarding his feveral Promifes and Unrtakings aforefaid, but contriving and udulently intending craftily and fubtilto deceive and defraud the faid Alexanand Tames in these Respects (although hath been often requested) hath not id the faid feveral Sums of Money, or y Part thereof, to the said Alexander d James, but hath wholly resused and Il doth refuse to pay the same to them, the faid Alexander and James their amage of three hundred and seventy unds: And thereupon they bring Suit,

R. C. Attorney for the Plaintiffs. C. B. Attorney for the Defendant.

Pledges for Profecuting, John Doe, to wit. Richard Roe.

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Hilary Term the Eleventh Year King George the Second.

C. B. Declaration in Cafe upon a special Wines delivered to bim by the Plaintiff, or to return the fame,

Cooke, R. late of Suffex, 3 in th faid County, Yeoman, w to wit, Promise to sell attached to answer H. B. the Young in a Plea of Trespass, on the Case, and whereupon the faid Henry by his Attorney complains, Th whereas the faid Fonathan on the first D

or be accounta- of October in the Year of our Lord of thousand seven hundred and thirty-three at Chichester in the faid County, in Co fideration that the faid Henry, at the fa cial Instance and Request of the said nathan, would deliver to the faid for than a Hogshead of Wine of the said H ry, to be carried by the faid fonath from Chichester aforesaid to Horsham in faid County for Hire and Reward, to therefore paid by the faid Henry to said Jonathan, assumed upon himself, then and there faithfully promifed faid Henry, that he the faid fonat would fell and dispose of the faid Ho head of Wine at Horsbam aforesaid the Benefit and Profit of the faid He or would bring the fame back to the Henry at Chichester aforesaid gratis, or would be accountable for it to the Henry: And whereas the faid Fonal afterwards, to wit, on the Day and I aforefaid at Chichester aforefaid, in Co derat

deration that the faid Henry, at the like special Instance and Request of the faid Jonathan, would deliver to the faid Jonathan another Hogshead of Wine of the faid Henry, to be carried by the faid 70nathan from Chichester aforesaid to Horsham aforesaid for Hire and Reward, to be therefore paid by the faid Henry to the faid Jonathan, affumed upon himself, and then and there faithfully promifed the faid Henry, that he the faid Fonathan would fell and dispose of the said Hogshead of Wine for the Benefit and Profit of the faid Henry, or would bring back the fame to the faid Henry at Chichester aforesaid gratis, or else would be accountable for it to the faid Henry; and although the faid Henry giving Credit to the faid Promifes and Assumptions so made by the said 70nathan in Form aforesaid, afterwards, to wit, the same Day and Year at Chichester aforesaid, delivered to the said Jonathan he faid two Hogsheads of Wine of the aid Henry for the Purpose aforesaid; and lthough the said Jonathan afterwards, to vit, the same Day and Year, carried the aid two Hogsheads of Wine so delivered o him as aforesaid from Chichester aforeaid to Horsham aforesaid: Devertheles Breach. he said Jonathan, not regarding his said everal Promises and Assumptions made n Form aforesaid, but contriving and raudulently intending craftily and fublly to deceive and defraud the faid Henry a this Respect, did not sell or dispose of the

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the faid two Hogsheads of Wine, or either of them, for the Benefit and Profit of the faid Henry at Horsbam aforefaid, or elsewhere, neither did the faid Fonathan bring back the faid two Hogsheads of Wine, or either of them, to the faid Henry at Chichester aforesaid, or elsewhere, neither has the faid Fonatban in any Manner accounted with the faid Henry for the same, of any Part thereof, (although he the faid Jonathan, afterwards, to wit, on the first Day of November in the faid Year of our Lord one thousand seven hundred and thirty-three, at Chichester aforesaid, was requested by the faid Henry to perform his faid feveral Promises and Assumptions but the faid Jonathan has hitherto wholly refused, and still doth refuse either w fell and dispose of the faid Hogsheads of Wine, or either of them, for the Profit and Benefit of the faid Henry, or to bring back the same to the said Henry, or in any Manner to account with the faid Henry for the same: And whereas the faid Fonatban afterwards, to wit, on the faid first Day of October in the said Year of our Lord one thousand seven hundred and thirty-three, at Chichefter aforesaid in Confideration that the faid Henry, a the special Instance and Request of the faid Fonathan, would deliver to the faid Jonathan another Hogshead of Wine the faid Henry, to be carried by him from thence to Horsbam aforesaid for Hire and Reward, and there to be fold and mer chandize

Special Promife to fell Wine and render Account thereof. handized by him the faid Jonathan for he Benefit and Profit of the faid Henry, o be accounted for by the faid Jonathan when he should be thereunto afterwards equested, assumed upon himself, and hen and there faithfully promised the faid Henry, that he the faid Jonathan would ell the faid last mentioned Hogshead of Wine at Horsham aforesaid for the Benet and Profit of the faid Henry, and fould render an Account thereof to the id Henry when he should be thereunto fierwards requested : And whereas the id Jonathan afterwards, to wit, the same ay and Year at Chichester aforesaid, in onsideration that the said Henry, at the ecial Instance and Request of the said mathan, would deliver to the said Jonaan another Hogshead of Wine of the id Henry, to be carried by him the faid onathan from thence to Horsham aforeid for Hire and Reward, and to be fold d merchandized by him the said Jonaan for the Benefit and Profit of the faid enry, to be accounted for by the faid mathan when he should be thereunto afrwards requested, assumed upon himself, d then and there faithfully promised the d Henry, that he the said Jonathan ould fell the faid last mentioned Hogsad of Wine for the Benefit and Profit the faid Henry, and would render an count thereof to the faid Henry, when he buld be thereunto afterwards requested; dalthough the said Henry, giving Cre-Vol. II.

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dit to the two last mentioned Promises and Assumptions of the faid Fonathan fo made in Form aforesaid, afterwards, to wit, on the faid first Day of October in the Year aforesaid at Chichester aforesaid, delivered to the faid Jonathan the faid two last mentioned Hogsheads of Wine for the Furpose aforesaid : Devertheles the faid Jonathan not regarding his faid two last mentioned Promises and Assumptions made in Form aforesaid, but contriving and fraudulently intending craftily and fubtilly to deceive and defraud the faid Henry in this Respect, did not sell and merchandize the faid two last mentioned Hogsheads of Wine, or either of them, for the Benefit and Profit of the faid Henry, and account with the faid Henry for the same, or any Part thereof, (although the faid Jonathan afterwards to wit, the faid first Day of November in the Year of our Lord one thousand seven hundred and thirty-three aforefaid, a Chichester aforesaid, was requested by the faid Henry fo to do) but has hithere wholly refused, and still refuses to se and merchandize the same for the Benefi and Profit of the faid Henry, and to at count with the faid Henry for the fame to the Damage of the faid Henry of twen ty Pounds: And thereupon he bring Suit, &c.

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Plea, Non Assumpsit. his Attorney cometh and defendeth the Force and Injury when, &c. and faith

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he did not assume upon himself in Manner and Form as the faid Henry hath above complained against him; and of this he puts himself upon the Country; and Issue. the faid Henry likewise: Therefore the Venire a-Sheriff is commanded that he cause to warded. come here twelve, &c. by whom, &c. and who are neither, &c. to acknowledge, &r. because as well, &c.

Michaelmas Term in the Seventh Year of King George the Second.

London, to wit, Edmund Heath, Efq; B. R. Declacomplaineth of Katherine Morice, Execu-ration Sur rix of the last Will and Testament of Assumps. a-Humphry Morice her late Husband, de-cutrix. reased, for this, to wit, that whereas the Indeb. Aff. aid Humphry in his Life-time, to wit, the by Teftator wenty-ninth Day of March in the Year for Money bad of our Lord one thousand seven hundred and received. nd thirty-one, at London aforesaid in the Parish of St. Michael Cornbill in the Ward f Cornbill, was indebted to the faid Edawful Money, for the like Sum of Moby by the faid Humphry in his Life-time or the faid Edmund, and to the Use of the faid Edmund before that Time had not received, and heing thereunon so in nd received; and being thereupon fo inebted he the faid Humpbry in his Lifeme, in Consideration thereof afterwards, wit, the same Day and Year at London h the foresaid in the Parish and Ward aforeid, took upon himfelf, and to the faid N 2 Edmund

The Attorney's Practice

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The like for Money laid out.

Edmund then and there faithfully promifed, that he the faid Humphry, the aforefaid fix hundred and fifty Pounds to the faid Edmund, when he should be thereunto required, would well and truly pay and fatisfy: And whereas afterwards, to with the same Day and Year at London afore. faid in the Parish and Ward aforesaid, he the faid Humpbry in his Life-time was indebted to the faid Edmund in other fr hundred and fifty Pounds of like lawful Money, for fo much Money by the faid E4mund for the faid Humpbry in his Lifetime, and at his special Instance and Request before that Time paid, laid out, and expended; and being thereupon fo indebted he the faid Humphry in his Life time, in Consideration thereof afterwards to wit, the same Day and Year at London aforesaid in the Parish and Ward afore faid, took upon himself, and to the said Edmund then and there faithfully promi fed to pay to the faid Edmund the fair fix hundred and fifty Pounds last men tioned, when he should be thereunto after wards required: And whereas also after wards, to wit, the same Day and Years London aforesaid in the Parish and Wat aforesaid, the said Humpbry in his Lin time and the faid Edmund accounted to gether between themselves of and of cerning divers other Sums of Money the faid Humphry in his Life-time to faid Edmund before that Time owing, then being in Arrear and unpaid, and u

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on that Account he the faid Humpbry then and there was found in Arrear towards the faid Edmund in two hundred thirty and eight Pounds three Shillings and eleven Pence of like lawful Money; and being thereupon so found in Arrear he the faid Humpbry in his Life-time, in Confideration thereof afterwards, to wit, the fame Day and Year at London aforesaid in the Parish and Ward aforesaid, took upon himself, and to the said Edmund then and there faithfully promised to pay to the faid Edmund the faid two hundred thirty and eight Pounds three Shillings and eleven Pence, when he should be aferwards thereunto required: Meverihe. Breach. els the faid Humphry in his Life-time, and he said Katherine since the Death of the aid Humphry, not regarding the Promises nd Undertakings of the faid Humpbry in is Life-time made as aforesaid, but conriving and fraudulently intending the aid Edmund in this Behalf craftily and ubtilly to deceive and defraud, the aforeaid several Sums of Money, or any Part hereof, to the faid Edmund have not paid. or hath either of them paid, nor hitheroin any wife fatisfied him for the same, although to do the same the said Humphry his Life-time afterwards, to wit, the me Day and Year, and the faid Kathene fince the Death of the faid Humpbry, wit, the first Day of October in the seenth Year of the Reign of his present lajesty King George the Second, at Lon- N_3 don

The Attorney's Practice

don aforefaid in the Parish and Ward aforesaid, by the said Edmund was requested) but the same to the said Edmund they
the said Humpbry in his Life-time, and
the said Katherine since the Death of the
said Humpbry, have utterly resused to pay,
and the said Katherine doth still resuse to
pay: Wherefore the said Edmund saith
that he is hurt and damaged to the Value
of seven hundred Pounds; and therefore
brings his Suit, and prays the Aid and
Assistance of this Honorable Court.

Thomas Harrison for the Plaintiff.

for the Defendant.

Pledges to prosecute and Richard Roe.

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Michaelmas Term in the Fifteenth Year of the Reign of King George the Second.

Memorar - dum of a precedent Term.

London, to wit, Be it remembered, that heretofore, that is to fay, in the Term of the Holy Trinity last past, William Sherwood came before our Lord the King at Westminster by John Fell his Attorney, and brought into the Court of our faid Lord the King then there his Bill against Thomas Morkand and Mary his Wife, Executrix of the last Will and Testament of Thomas Rewse deceased, being in the Custody of the Marshal of the Marshalfea of our sovereign Lord the King before

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before the King himself, in a Plea of Trespass on the Case; and there are Pledges for the Profecution, to wit, John Doe and Richard Roe; which faid Bill follows in these Words, that is to fay, Lou- Declaration Doll, to wit, William Sherwood complains against Baron of Thomas Morland and Mary his Wife, and Feme, on Executrix of the last Will and Testament a Special of Thomas Rewse deceased, being in the Promise by Custody of the Marshal of the Marshalsea Testator. of our Sovereign Lord the King, before the King himself, for that whereas by Recital of Arcertain Articles of Agreement made and ticles of Apagreed upon the fixteenth Day of May in prenticeship. the Year of our Lord one thousand seven hundred and thirty-nine, at London, that is to fay, at the Parish of St. Mary Le Bow in the Ward of Cheap, between the faid William Sherwood of the one Part. and one Richard Springwell of London, Mariner, of the other Part, the faid William Sherwood for himself, his Executors and Administrators, did covenant, promife and agree to and with the faid Richard Springwell in Manner and Form following, that is to fay, that he the faid William Sherwood, for and in Confideration of the Sum of forty-two Pounds of lawful Money of Great Britain, to be to him in Hand paid by the faid Richard Springwell in Manner following, that is to fay, twenty-one Pounds, Part thereof, on or before the Executing of the faid Articles, and the remaining Sum of twenty-one Pounds, at the Expiration of two Years, N 4

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to commence from the Day of the Date of the faid Articles, should and would well, truly and fully teach and instruct, or cause to be taught and instructed the faid Richard Springwell in the Trade, An or Mystery of a Frame-Work Knitter, which he then used, after the best Way and Manner that he could within the Term or Time of two Years, to commence from the Day of the Date of the faid Articles. and also find, provide and allow the faid Richard Springwell good and wholesome Meat, Drink, Washing and Lodging during the faid Term of two Years, which he the faid Richard Springwell had agreed to live or continue with the faid William Sherwood; and the faid Richard Spring. well, for the Confiderations aforesaid, by the faid Articles did covenant, promite and agree to and with the faid William Sherwood, his Executors and Administrators, that he the faid Richard Springwell would during the faid Term of two Years well, truly and honestly demean himself towards the faid William Sherwood, and also should and would, at the End of Expiration of the faid Term of two Years in the faid Articles above-named, if he should so long live, pay or cause to paid unto the faid William Sherwood, his Executors or Administrators, the said Sun of twenty-one Pounds fo agreed to be by him paid as aforesaid; Also by the said Articles it was mutually covenanted, con cluded and agreed between the faid Par

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ties, that the faid Sum of twenty-one Pounds, so agreed to be afterwards paid by the faid Richard Springwell, should, on the Day of the Date of the faid Articles, be placed out at Interest for the Benefit of the faid Richard Springwell in the Hands of the faid Thomas Rewfe (if he hould be willing to receive it) until the fame should become due and payable to the faid William Sherwood, his Executors or Administrators; and if the faid Richard Springwell should happen to dye between the first and second Year of the said Term of two Years in the faid Articles beforementioned, and not otherwise, that then and in fuch Case the said Sum of twentyone Pounds, thereby agreed to be deposied in the Hands of the faid Thomas Rewse as aforesaid, should be by him on Demand paid to the faid William Sherwood, his Executors or Administrators; ny Thing in the faid Articles before conained to the contrary thereof in any wife notwithstanding: And whereas afterwards, Money being wit, on the faid fixteenth Day of May deposited in n the Year aforesaid, at London aforesaid the Testater's n the Parish and Ward aforesaid, in Purpaid to the
uance of the said Articles the said Sum Plaintiff upon f twenty-one Pounds therein last men- a Contingency. ioned, at the special Instance and Re-uest of the said Thomas Rewse in his life-time, by the Direction and with the Consent of the faid William Sherwood, as placed out and deposited in the Hands f the faid Thomas Rewse by the faid Richard

The Attorney's Practice

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Testator promised to pay the same accordingly.

Richard Springwell in the faid Articles named, and the faid Thomas Rewfe then and there received the same from the faid Richard Springwell for the Purpose in the faid Articles mentioned, according to the true Intent and Meaning of the same Ar. ticles; in Confideration thereof he the faid Thomas Rewfe afterwards in his Life. time, to wit, on the twenty-first Day of May in the Year aforesaid, at London a. foresaid in the Parish and Ward asoresaid, took upon himself, and then and there faithfully promised the faid William Sherwood to pay him the faid William Sherwood the faid Sum of twenty-one Pounds at the Time mentioned in the faid Articles, in Cafe the faid Richard Springwell did not depart this Life before he had ferved one Year of his Time mentioned in the faid Articles: And the faid William doth aver, that the faid Richard Springwell in the faid Articles named did not depart this Life before he had ferved one Yest of his Time mentioned in the faid Anicles, but is still alive, to wit, at London & foresaid in the Parish and Ward aforesaid of which the faid Thomas Morland and Mary, after the Death of the faid Thomas Rewfe, and after their Intermarriage, A wit, on the twenty-eighth Day of Ma in the Year of our Lord one thousand feven hundred and forty-one there ha Notice; whereby the same Sum of twen ty-one Pounds, at the Expiration of the faid two Years mentioned in the faid At

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ticles, being after the Death of the faid Thomas Rewse, became due and payable by the said Thomas Morland and Mary after their Intermarriage to the faid William: And whereas the faid Thomas Rewse in his Life-time, to wit, on the faid twenty-first Day of May in the faid Year of our Lord one thousand seven hundred and thirty-nine, at London aforesaid in the Parish and Ward aforesaid, in Consideration that the faid Richard Springwell, at the special Instance and Request of the said Thomas Rewse, and by the Direction and Appointment of the faid William Sherwood, had deposited and placed in the Hands of the faid Thomas Rewse another Sum of twenty-one Pounds, mentioned to be paid in certain other Articles between the said William and Richard Springwell, bearing Date the fixteenth Day of May then last past, took upon himself, and then and there faithfully promifed the said William to pay him the said William the faid Sum of Money last mentioned, at the Time mentioned in the last mentioned Articles, in Case the said Richard Springwell did not depart this Life before he had served one Year of his Time mentioned in the same Articles; and the said William doth aver that the faid Richard Springwell did not depart this Life before he had ferved one Year of his Time mentioned in the last mentioned Articles, but is still alive, and that the Time mentioned in the same Articles for the Payment

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of the faid last mentioned Sum of twenty. one Pounds was expired on the fixteenth Day of May in the Year of our Lord one thousand seven hundred and forty. one, after the Death of the faid Thomas Rewse, and after the Intermarriage of the faid Thomas Morland and Mary, to wit, at London aforesaid in the Parish and Ward aforefaid, of which the faid Thomas Mor. land and Mary afterwards, to wit, on the faid twenty-eighth Day of May in the faid Year of our Lord one thousand seven hundred and forty-one there had Notice, whereby the faid Sum of twenty-one Pounds last mentioned became due and payable by the faid Thomas Morland and Mary to the faid William : And whereas the faid Thomas Rewfe in his Life-time, to wit, on the faid fixteenth Day of May in the faid Year of our Lord one thoufand feven hundred and thirty-nine, at London aforesaid in the Parish and Ward aforesaid, in Consideration that the said William, at the special Instance and Request of the faid Thomas Rewse, had then and there agreed that another Sum of twenty-one Pounds should be deposited in the Hands of the said Thomas Reals which faid Sum of twenty-one Pounds last mentioned was so deposited in the Hand of the faid Thomas Rewfe, took upon himfelf, and then and there faithfully promifed the faid William Sherwood to pay him the last mentioned Sum of Money, at the End and Expiration of two Years nes after

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after the faid fixteenth Day of May in the Year last mentioned, in Case one Richard Springwell, who was bound Apprentice to the faid William Sherwood on the Day and Year last mentioned for the Term of two Years then next following, did not die before he had ferved one Year of his Apprenticeship; and the said William Sherwood doth aver, that the faid Richard Springwell did not die before he had ferved one Year of his Apprenticeship, but s yet alive, to wit, at London aforefaid in the Parish and Ward aforesaid; and that the faid Thomas Rewse died before the End and Expiration of the faid two Years next after the faid fixteenth Day of May in the Year last mentioned, to wit, at Lonion aforesaid in the Parish and Ward aforesaid; whereby the said Sum of Money aft mentioned, at the End and Expiraion of the faid two Years which happend after the Intermarriage of the faid Thomas Morland and Mary, became due and payable by the said Thomas Morland nd Mary to the said William Sherwood: Acceptheless the faid Thomas Morland and Breach. Mary, not regarding the said several Pronifes and Undertakings of the faid Thomas Rewse made as aforesaid, but contriving and fraudulently intending to deceive and efraud the faid William Sherwood in this Behalf, have not, nor hath either of them aid the faid several Sums of Money, or ay Part thereof, to the said William Sher-100d, (although the faid Thomas Morland and

and Mary on the said twenty-eighth Day of May in the said Year of our Lord one thousand seven hundred and sorty. one, and often after, at London aforesaid in the Parish and Ward aforesaid, were requested by the said William so to do) but have hitherto altogether refused and still do refuse to pay him the same: Wherefore he saith that he is damnified to the Value of sorty Pounds: And therefore he brings Suit, &c.

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Imparlance.

and now at this Day, that is to fay, Friday next after three Weeks from the Day of St. Michael in this same Term, until which Day the faid Thomas Morland and Mary had Leave to imparl to the faid Bill, and then to answer the same as they should be advised, before our Lord the King at Westminster come as well the faid William by his faid Attorney, as the faid Thomas Morland and Mary by their Attorney: and the faid Thomas Morland and Mary defend the Wrong and Injury when and fo forth; and the faid Thomas and Mary protesting that the Declaration aforesaid, and the Matter therein contained, are not suffcient in Law for the faid William Sherwood to have or maintain his aforefaid Action against them, for Plea nevertheless the fay, that the faid Thomas Rewfe in his Life-time did not take upon himself and promise in Manner and Form as the said William Sherwood above complains against the faid Thomas Morland and Mary: An

Special Non Affumpfit.

in the Court of King's Bench.

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of this they put themselves upon the Country; and the said William doth the like: Is no. Therefore let the Jurors come before venire at our Lord the King at Westminster on warded.

next after

and who are in no wise related to the said William or the said Thomas Morland and Mary, to make a certain Jury of the Country between the said Parties of the Plea aforesaid, to take Cognizance on their Oath of the whole Truth of the Premisses, because as well the said Thomas Morland and Mary, as the said William, between whom thereupon the Matter in Variance is, have put themselves upon that Jury: The same Day is given to the said Parties at the same Place, &c.

Trinity Term in the Tenth and Eleventh Years of the Reign of King George the Second.

Middlefex, Be it remembered, that on Memoranto wit, Friday next after the Mordum of same ow of the Holy Trinity in this same Term, before our Sovereign Lord the sing at Westminster came Henry George Rounds by Robert Richardson his Attorney, and brings here in the Court of our said lord the King at Westminster his certain will against Benjamin Parren, James Bundan and Charles Pynes, in the Custody of the Marshal, &c. in a Plea of Trespass pon the Case; and there are Pledges for the Prosecution, to wit, John Doe, and Rich-

The Attorney's Practice

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Declaration for breaking and entering Plaintiff's House.

Richard Roe, which faid Bill follows in these Words: That is to say, Middleser, to wit, Henry George Rounds complains of Benjamin Parren, James Bunyan, and Charles Pynes, being in the Custody of the Marshal of the Marshalsea of the said Lord the King, before the King himself, of that, that is to fay, That they the faid James Bunyan, and Benjamin Parren, Charles Pynes, on the twenty-first Day of May in Tenth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. with Force and Arms, &c. the House of the said Henry George Rounds in the Parish of St. Leonard Shoreditch in the County of Middle fex they broke and entered; and also for that they the faid Renjamin Parren, James Bunyan and Charles Pynes, afterwards, disturbing bim that is to say, on the same twenty-first in the Posses. Day of May in the Tenth Year aforesaid, with Force and Arms, &c. broke and entered another House of the said Henry George Rounds in the Parish aforesaid in the County aforefaid, and him the faid

Henry George Rounds in the quiet Use and

Occupation of the faid House last menti-

oned then and there disturbed and him-

dered; And also for that they the said

Charles Pynes, afterwards, that is to fay, of

tenth Year aforesaid, with Force and

Arms another House of the said Hem

Fames Bunyan, and

For breaking and entering Plaintiff's House, and fion thereof.

For breaking and entering Plaintiff's House, and carrying away the same twenty-first Day of May in the

bis Goods.

George Rounds in the Parish of St. Leonar

Benjamin Parren,

Shoreditch aforesaid in the County aforefaid broke and entered, and the Goods and Chattels of him the faid Henry George Rounds in the faid House then being (that is to fay) A three Pint filver Tankard, a liver pint Mug, &c. [fetting forth the Particulars of the Value of one Hundred Pounds of lawful Money of Great Britain, hen and there took and carried away, and other Enormities to him then and there committed, contrary to the Peace of our aid Lord the now King, and to the Danage of the said Henry George Rounds of wo Hundred and forty Pounds: And herefore he bringeth Suit.

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And the faid Benjamin, James and Not guilty as barles, by John Meale their Attorney, to Part justiome and defend the Force and Injury, fyunder Plainthen, &c. And as to the Force and Arms, tiff's Wife as nd Breaking the Houses of the faid Henry eorge, and difturbing and hindering him the quiet Use and Occupation of the id Houses in the said Declaration alledg-, and taking and carrying away from tence all or any Part of the several Goods nd Chattels in the faid Declaration menoned, except as herein after is specified, nd what soever is against the Peace of the idnow Lord the King, and also as to all e said Trespasses supposed to be commitdinthe Houses aforesaid, besides entring to the House of the said Henry George the third Declaration mentioned, and king and carrying away the feveral Goods Vol. II.

Mue.

and Chattels, being Part of the faid Goods and Chattels in the faid Declaration mentioned, and herein after specified, they say that they or either of them are not guilty, as the faid Henry George above complains against them : And of this they put themfelves upon the Country; and the faid Henry George doth likewise the same. And as to the entring of the faid House in the faid third Declaration mentioned, and taking and carrying away the feveral Goods and Chattels, being Part of the faid Goods and Chattels in the faid Declaration specified and herein after mentioned, that is to fay, two Stoves, &c. they fay that the faid Henry George ought not to have or maintain his faid Action against them for the same, because they say, that before the feveral Times in which the faid feveral Trespasses were supposed to be committed that is to fay, on the faid twenty-first Day of May in the Tenth Year aforefaid, the Parish aforesaid in the County & foresaid, the said Henry George gave Li cence to Elizabeth his Wife to take an carry away the faid Goods and Chatte herein before mentioned, being Part the faid Goods and Chattels in the fai Declaration specified, from the faid Houl and borrow Money thereon for the Ule the faid Henry George by pledging of the fame; and they fay, that by Virtue fuch Licence she the faid Elizabeth the Day and Year aforesaid, at the Pari aforesaid in the County aforesaid, before

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the Times the faid Trespasses were supposed to be committed, hired the faid Benjamin, James and Charles to enter the faid House, and take and carry away the faid feveral Goods and Chattels herein before mentioned, being Part as aforefaid, with Intent and Purpose by pledging of the fame to borrow Money for the Uie of the faid Henry George; and that they afterwards, that is to fay, on the Day and Year aforesaid, at the Parish aforesaid in the County aforefaid, did by Virtue of such Licence enter the faid House of the aid Henry George, and take and carry away the faid feveral Goods and Chattels perein before mentioned, being Part as aoresaid, in Order to pledge the same for he Intent and Purpose aforesaid, as it was awful for them to do; and thereupon he said Elizabeth afterwards, that is to ay, on the Day and Year aforesaid, at the arish aforesaid in the County aforesaid, id pledge the same, and then and there ad and received to and for the Use of he faid Henry George her Husband the soney for which the faid several Goods nd Chattels herein before mentioned, be-g Part as aforefaid, were fo pledged; House hich are the same Entring of the said ouse, and Taking and Carrying away the id several Goods and Chattels, being art of the faid Goods and Chattels in esaid Declaration specified and herein Pari fore mentioned, and for which the faid eury George by his faid Declaration com-0 2

plains: And this they are ready to verify; and therefore pray Judgment whether the faid Henry George ought to have or maintain his faid Action against them for the same.

Thomas Burdus.

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Replication de Injuria fua Propria.

And the faid Henry George Rounds, as to the aforesaid Plea of the said Benia. min Parren, James Bunyan, and Charles Pynes, as to the Entring into the faid House of the faid Henry George in the faid third Declaration mentioned, and Taking and Carrying away the feveral Goods and Chattels, being Part of the faid Goods and Chattels in the faid Declaration specified, and in the said Pla particularly mentioned by them above pleaded in Bar, faith, That he by any thing in the faid Plea above alledged ought not to be barred from having and maintaining his faid Action therefore against them, because he saith, that the faid Benjamin, James and Charles, at the Time mentioned in the faid Declaration at the Parish aforesaid, with Force and Arms, of their own Wrong, without fuc Caufe as is by them above alledged i their faid Plea, entered into the faid Hou of the faid Henry George in the faid thin Declaration mentioned, and took and ca ried away the feveral Goods and Chatte being Part of the faid Goods and Cha tels in the said Declaration specified, a in the faid Plea particularly mention

in Manner and Form as the faid Henry George Rounds hath above thereof declared against them: And this he prays may be inquired of by the Country, &c.

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Thomas Denison.

and the faid Benjamin, James and Iffue. Charles do so likewise: Therefore as well Venire ato try this Issue as the faid other Issue warded to try joined between the Parties, let the Jurors both Ifues come before our Lord the King at Westminfter, on next after who are in no wife related either to the faid Henry George, or to the faid Benjamin, James and Charles, to make a certain Jury of the Country between the faid Parties of the Plea aforesaid, to recognize upon their Oaths the full Truth of and concerning the Premisses, because as well the said Benjamin, James and Charles, as the faid Henry George, between whom the Matter in Variance is, have out themselves upon that Jury. The same Day is given to the Parties aforesaid at the same Place.

London, to wit, L. A. complains of T. L. Indersee of a being in the Custody of the Marshal of Promissory the Marshalsea of our Lord the King, be-Note against the Marshalsea of our Lord that whereas the said T. after the first Day of May in the Year of our Lord one Thousand seven Hundred and five, to wit, on the thirtieth Day of July in the Year of our Lord one O. 3 Thousand

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Thousand seven Hundred and Thirty. three, at London aforesaid, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap, made a certain Note in Writing with his own Hand fubscribed thereto, bearing Date the same Day and Year last mentioned, and then and there delivered the faid Note to one 7. W. by which faid Note the aforefaid T. promised to pay the taid 7. W. by the Name of Mr. 7. W. or his Order, the Sum of fifty Pounds for Value received; and the faid 7. W. after. wards, and before the Payment of the faid fifty Pounds, or any Part thereof, to wit, the thirtieth Day of August in the Year last mentioned, at London aforesaid in the Parish and Ward aforesaid, by a certain Indorsement in Writing then and there made on the said Note, and then and there fubscribed with the proper Hand of the faid 7. W. affigned the aforesaid Note to the faid L. A. and by the fame Indorfement ordered and appointed the aforesaid T. L. to pay to the said L. A. the faid Sum of fifty Pounds in the aforelaid Note specified, according to the Formand Effect of the same Note, whereof the said T. L. afterwards, to wit, the Day and Yea last abovesaid, at London aforesaid in the Parish and Ward aforesaid, had Notice by Reason whereof, and also by Force the Statute in that Cafe made and provi ded, the faid T. L. became chargeable an liable to pay to the aforesaid L. A. th same Sum of fifty Pounds mentioned

the aforesaid Note, according to the Form and Effect of the faid Note and Indorfement; and the faid T. L. being fo chargeable, in Consideration thereof, afterwards, to wit, the Day and Year last abovefaid, at London aforesaid in the Parish and Ward aforesaid undertook, and to the said L. A. then and there faithfully promifed, that he the faid T. L. would well and faithfully pay and content to the faid L. A. the aoresaid Sum of fifty Pounds in the said Note mentioned, according to the Tenor and Effect of the faid Note and Indorsement: Devertheless the faid T. L. no Breach. ways regarding his faid Promise and Unlertaking made in Form aforefaid, but contriving and fraudulently intending crafily and fubtilly to deceive and defraud he said L. A. in this Particular, hath not aid him the faid fifty Pounds, or any Part thereof, (although often required, 20) but hath hitherto refused, and still oth refuse to pay him the same, to he Damage of the faid L. A. of eighty founds: And thereupon he brings Suit,

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Pleas

The Attorney's Practice

Pleas before our Lord the King at Westminster, of Trinity Term in Year of the the Reign of our Sovereign Lord George the Second, now King of Great Britain, Gc.

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Memorandum of a Declaration of a precedent Term.

Cambridge, \ \ \ | Emorandum that heretofore, to wit, in Easter to wit, Year of the Reign Term in the of our Sovereign Lord George the Second, now King of Great Britain, &c. before our Lord the King at Westminster came his At-Henry Harri on by torney, and brought into the Court of our faid Lord the King then there his Bill against Adlard Cage Gentleman, and Elizabeth his Wife, being in the Custo dy of the Marshal of the Marshalfea o our faid Lord the King, before the King himself, on a Plea of Trespass on the Case; and there are Pledges of profect ting, to wit, John Doe and Richard Roe which faid Bill follows in these Words to wit, Cambridge, to wit, Henry Hart Husband and fon, Gentleman, complains of Adlard Cas Gentleman, and Elizabeth his Wife, b ing in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, for that, to wit, th whereas the said Elizabeth while she w Sole, to wit, on the first Day of April Year of the Reign of o the Soverei

Cafe against Wife on Promise of Marviage by Wife while Sole.

Sovereign Lord George the Second, now King of Great Britain, &c. at Burrough Green in the County aforesaid (in Consideration that the faid Henry then and there being a fingle Man and unmarried, at the special Instance and Request of the faid Elizabeth, had then and there agreed with the faid Elizabeth, and had undertaken and faithfully promised the faid Eligabeth, that he the faid Henry would marry her the faid Elizabeth) undertook, and then and there faithfully promised the said Henry, that she the said Elizabeth would marry the faid Henry; and altho' the faid Henry, confiding in the faid Promile and Undertaking of the faid Elizabeth, hath utterly refused to contract Matrimony with any other Woman, and still s a fingle Man and unmarried, and always from the Time of making the faid Promise and Undertaking (while the said Elizabeth was Sole) was ready, and often offered lawfully to marry the faid Elizaleth, to wit, at Borough Green aforesaid in the County aforesaid: Det the said Eli- Breach: tabetb whilst she was Sole no ways regardng her faid Promise and Undertaking, out contriving and fraudulently intending raftily and subtilly to deceive and de-taud the said Henry in this Particular, d not marry the faid Henry (although Request and fter the faid Promise and Undertaking Refusal. foresaid was made, to wit, on the Nine ad Twentieth Day of April in the

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Defendant.

the County aforesaid, the said Elizabeth had been thereunto required by the faid Henry) but intirely refused to marry him; and afterwards, to wit, on the first Day Year aforeof October in the faid, at Borough Green aforefaid in the County aforesaid, married the said Adlard contrary to the faid Promife and Undertaking of the faid Elizabeth aforefaid: And also, whereas the faid Elizabeth for Money laid (while she was Sole) to wit, on the first Day of May in the Year aforefaid, was indebted to the faid Henry in three hundred Pounds lawful Money of Great Britain, for Money by the faid Henry, at the special Instance and Request of the faid Elizabeth, and for the faid Elizabeth (while the was Sole) before that Time paid and expended, and for Money by the faid Elizabeth while the was Sole be fore that Time borrowed and received of the faid Henry; and being fo indebted the faid Elizabeth, (while she was Sole) the fame Day and Year last mentioned at Bo rough Green aforefaid in the County afore faid, in Confideration thereof undertook and then and there faithfully promifed the faid Henry, that she the faid Elizabeth, whe she thould be thereunto required, would well and truly pay the faid three hundre Pounds to the faid Henry : Det the fai Elizabeth (while the was Sole) and th faid Adlard and Elizabeth after they wer married, no Ways regarding the last men tions

Breach.

oned Promise and Undertaking of the id Elizateth made in Form aforesaid, ut contriving and fraudulently intending raftily and fubtilly to deceive and deand the faid Henry in this Particular, ave not, nor has either of them (altho) ften required) paid the faid three hunred Pounds, or any Penny thereof, to he faid Henry, but have intirely refused, nd still do refuse to pay him the said um of Money, or any Ways content im for the same: Wherefore the said Jenry fays that he is injured, and has Damages to the Value of three thousand ounds; And thereupon he brings Suit, 86.

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and now at this Day, to wit, Friday Imparlance. ext after the Morrow of the Holy Trining in this same Term, unto which Day the said Adlard and Elizabeth had Leave impart to the said Bill, and then to assure, Sc. before our Lord the King at selfminster came as well the said Henry whis Attorney aforesaid, as the said Adard and Elizabeth by

hen, &c. and fay, that the faid Eliza-fumpfit.

the did not undertake in Manner and orm as the faid Henry above complains winst ber; And of this they put themhes upon their Country: And the faid Isue.

henry likewise, &c. Therefore let a Ju-Venire aloome thereupon before our Lord the warded.

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after three Weeks from the Day of the Holy Trinity, and who are in no wife of Kin either to the faid Henry Harrison, or to the faid Adlard and Elizabeth, to take Cognizance upon their Oaths of the whole Truth of the Premisses, because as well the faid Adlard and Elizabeth, as the faid Henry, have put themselves upon that Ju-The same Day is given to the Parties aforesaid at the same Place. After. wards the Process is thereupon continued between the Parties aforesaid of the Plea aforesaid, by the Jury between them being respited before our Lord the King at Westminster, until Monday next after three Weeks from the Day of St. Michael then next following, unless the Justices of our Lord the King affigned to hold the Affizes in the County aforefaid shall first come on the Eleventh Day of August, a the Castle of Cambridge in the County a forefaid, according to the Form of the Statute in fuch Cafe made and provided for Default of the Jurors, because non of them did appear. At which Day be fore our Lord the King at Westminster the faid Henry comes by his Attorney afore faid, and the faid Justices, before whom the faid Issue was tried, sent hither the faid Records had in these Words: After wards, at the Day and Place within con Knight tained, before Chief Baron of the Exchequer of our Lor the King, and

Gentleman, for this Turn affociated

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the faid and Knight, one Sir of the Justices of our faid Lord the King, affigned to hold Pleas before the King himself, Justice of our said Lord the King, affigned to hold the Affizes in the faid County of Cambridge by Force of the Statute, and fo forth; the Presence of not being exthe faid pected, by Virtue of the Writ of our Lord the King of, &c. came the within named Henry Harrison by his Attorney within named; and the within named Adlard Cage and Elizabeth his Wife, although folemnly required, came not, but made Default: Therefore let the Jurors of the Jury within mentioned be taken against them by Default: Upon which the Jurors of that Jury being fummoned also came, who to fay the Truth of the within Contents being chosen, tried and sworn, say upon their Oaths, That the faid Elizabeth Verditt for undertook in Manner and Form as the Plaintiff. aid Henry within complains against the aid Adlard and Elizabeth, and affess the Damages of the said Henry, by Occasion of the not performing the Promises and Undertakings within specified, over and above his Costs and Charges by him about his Suit in this Behalf expended, to our hundred Pounds, and for those Costs ind Charges to forty Shillings. ore it is considered, That the said Henry Plaintiff. darrison recover against the aforesaid Adard Cage and Elizabeth his Wife, his Da-

There- Judgment for

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mages aforefaid by the faid Jury in Form aforesaid affessed; and also fixten Pounds for his faid Costs and Charges by the Court of our Lord the King now here adjudged of Increase to the said Henry by his Affent, which Damages amount in the whole to four hundred and eighteen

in the Exchequer Chamber.

Pounds; and the faid Adlard and Eliza-Writ of Error beth in Mercy, &c. Afterwards, to wit. Saturday the fix and twentieth Day of No. Year of the vember in the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. a Transcript of the Record and Proceed ings aforefaid between the Parties afore faid of the Plea aforefaid, with all Thing concerning the same, by Pretext of a certain Writ of our Lord the King for cor recting Errors profecuted by the faid Al lard and Elizabeth on the Premisses, by the Court of our Lord the King here, be fore the King himself, was transmitted before the Justices of our said Lord the King of the Common Bench, and Baron of the Exchequer of our faid Lord the hat t King, of the Degree of the Coif in the firme Exchequer Chamber, according to the dEff.
Form of the Statute made in the Parlia igner ment of the Lady Elizabeth, late Que of England, &c. held at Westminster the twenty-third Day of November in the at the twenty-seventh Year of her Reign; at d Adi the faid Adlard and Elizabeth appearing in the faid Court of Exchequer Chamb Shill affigned certain Matters for Error in the

Errors affigr.ed.

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aid Record and Process for reverling the aid Judgment; to which the faid Henry lo, appearing in the faid Court of Exbequer Chamber, pleaded that neither in In nullo eft he faid Record and Process, nor in gi- Erratum ing the faid Judgment, was in any Thing Pleaded. moneous; and afterwards, to wit, on nesday the Seven and Twentieth Day of Year of the une in the leign of our Sovereign Lord George the econd, now King of Great Britain, &c. well the Record and Proceedings aforeid, and the Judgment thereupon given, also the Causes aforesaid by the said dlard and Elizabeth affigned and alledgfor Error, being by the faid Court of xchequer Chamber diligently examined d fully understood, it feemed to the id Court of Exchequer Chamber, that e faid Judgment was in no wife vitious defective, and that the faid Record as not in any Thing erroneous: There- Judgment afre it was then and there confidered by firmed. e faid Court of Exchequer Chamber, hat the said Judgment be in all Things irmed, and do stand in its full Strength d Effect, (the faid Causes and Matters igned and alledged for Errors by the d Adlard and Elizabeth in any Thing twithstanding); And it was further then there confidered by the faid Court, at the faid Henry recover against the d Adlard and Elizabeth ten Pounds and Shillings, by the Court there adjudgto the faid Henry by his Assent, ac-

cording to the Form of the Statute in that Case made and provided, for his Da. mages, Costs and Charges which he hath fustained by Occasion of the Delay of the Execution of the faid Judgment, by Pretext of profecuting the faid Writ of Er.

the Record.

Remittance of ror; and thereupon the faid Record, and also the said Proceedings of the said Justices of the faid Common Bench aforefaid and the faid Barons of the faid Exchequer, before them had in the Premise by the faid Justices and Barons before our Lord the King, wherefoever, and fo forth, were then remitted according to the Form of the Statute, &c. and they now remain in the Court of our faid Lord the King here, before the King himself, &c. Al terwards, to wit, Wednesday next after three Weeks from the Day of the Holy

Satisfaction acknowledged.

> Trinity in the Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, & before our faid Lord the King at Well minster came the faid Henry Harrison by his Attorney aforefaid, and acknowledge that he had been fatisfied by the faid A lard and Elizabeth for the Damages, Col and Charges aforesaid: Therefore let the

faid Adlard and Elizabeth be quit of the

faid Damages, Costs and Charges, &c.

Salk. 24, 736.

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Vol. II.

Roll 453.

London, 13 Eitremembered, that on Fri- Memoranday next after the Octave of dum of the to wit. St. Hilary in this same Term, before our same Term. Lord the King at Westminster came Robert Richardson, Gentleman, and Elizabeth his Wife, by Edward Lewis their Attorney, and brought here into the Court of our faid Lord the King then there their Bill against John Sedgwick and Elizabeth his Wife, and Edmund Ducket being in the Custody of the Marshal, &c. of a Plea of Trespass on the Case; and there are Pledges of Profecuting, to wit, John Doe and Richard Roe; which faid Bill follows Declaration on n these Words, to wit, London, to wit, an Issue di-Robert Richardson, Gentleman, and Eli-rested out of saleth his Wife, complain of John Sedgwick Chancery, nd Elizabeth his Wife, and Edmund upon a Quef-Ducket being in the Custody of the Mar- Writing was hal of the Marshalsea of our said Lord the the Deed of ling, before the King himself, for that, Defendant's wit, that whereas on the first Day of Testator. anuary in the Year of our Lord one housand seven Hundred and twenty-

ine at London aforesaid, Discourse was

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moved and had by and between the faid Robert Richardson and Elizabeth his Wife, and the said John Sedgwick and Elizabeth his Wife, and Edmund Ducket, of and concerning a certain Writing bearing Date the twentieth Day of April in the Year of our Lord one Thousand seven Hundred and Fourteeen, purporting to be the Deed of one Thomas Penny, otherwise Penne; by which faid Writing, reciting, That Robert Richardson, Gentleman, in and by one Bond or Obligation was and stood bound to the faid Thomas in the Penal Sum of one Thousand Pounds, conditioned for his the faid Robert Richardson's Paying of fifty Pounds or thereabouts to the faid Thomas, his Executors, Administrators and Affigns; and also for his the faid Robert Richardson's Conveying and Affuring to the faid Thomas, his Executors, Administrators and Assigns, severa Mesuages, Lands and Tenements in the faid Condition mentioned, for fecuring th Repayment of all and fingular fuch Sur and Sums of Money as should be owing the faid Thomas, his Executors, Admin strators and Affigns, upon the faid Bond in Manner in the faid Condition specified and also conditioned for his the faid R bert's Conveying and Affuring the fa Mefuages, Lands and Tenements to the faid Thomas, his Executors, Administr tors and Affigns in Trust, and for securit a Maintenance and Provision for his Nie the said Elizabeth Richardson, Wife of

faid Robert Richardson, and the Issue of their two Bodies, in Manner in the faid Condition mentioned, as by the faid Writing Obligatory and the Condition thereof more fully appeared; the faid Thomas in Consideration of the natural Love and Affection which he had for his Niece the faid Elizabeth Richardson, and to the Intent that the faid Bond, and all Benefit and Advantage to be had thereby, might after the Decease of the faid Thomas be and remain intirely and wholly to and for the Use and Benefit of the said Elizabeth. and the Issue of her Body begotten by the faid Robert, did give and grant to the faid Elizaberh Richardson all and every Sum and Sums of Money as should be due and wing to the faid Thomas, his Executors, Administrators and Affigns, at the Time f his Death, or at any Time afterwards, n the faid Bond, and all Benefit and Prot thereof, to and for her own separate He and Maintenance; and in case she the id Elizabeth should not be living at the ime of the Death of the faid Thomas, hen he did thereby give and grant all and very fuch Sum and Sums of Money, as ould be due and owing to the faid Thon, his Executors, Administrators and figns, upon the faid Bond, at the Time his Death, or at any Time afterwards, dall Benefit and Advantage thereof, to bert Richardson, Son of the said Robert d Elizabeth, and to all and every the hild and Children begotten by the faid

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Robert the Fathe, upon the Body of the faid Elizabeth, who should be then living, equally to be divided amongst or between them, Share and Share alike. And laftly, he the faid Thomas for himself, his Executors, Administrators and Affigns, did thereby renounce and quit-claim to all Benefit and Advantage to be had by or from the faid Bond after his Decease, otherwise than for the Benefit of the faid Elizabeth and her Children, as in the faid Deed was above specified; and upon the faid Dif. course the said Robert Richardson the Father and Elizabeth his Wife then and there affirmed, that the faid Writing first above mentioned was the Deed of the faid Themas, which Affirmation they the faid 7obn Sedgwick and Elizabeth his Wife, and Edmund Ducket then and there denied; whereupon they the faid Robert Richardson the Father and Elizabeth his Wife, at the special Instance and Request of the said fold Sedgwick and Elizabeth his Wife, and Ed mund Ducket, then and there paid to the faid John Sedgwick and Elizabeth his Wife and Edmund Ducket, ten Shillings, lawfu Money of Great Britain, and in Consider ration thereof they the faid John Sed wick and Elizabeth his Wife, and Edmun Ducket, afterwards, to wit, on the fam Day and Year at London aforesaid under took, and then and there faithfully pr miled the faid Robert Richardson and E zabeth his Wife, to pay them twenty Sh lings like lawful Money, if the faid W

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ting first above mentioned was the Deed of the faid Thomas: And the faid Robert Richardson the Father, and Elizabeth his Wife aver, That the faid Writing first above mentioned was the Deed of the faid Thomas, as they the faid Robert Richardson the Father and Elizabeth his Wife have above alledged; whereof the faid John Sedgwick and Elizabeth his Wife, and Edmend Ducket, afterwards, to wit, the same Day and Year, at the fame Place had Notice; Det the faid John Sedgwick and Elizabeth his Wife, and Edmund Ducket, not regarding their faid Promise and Undertaking made in Form aforefaid, but contriving and fraudulently intending craftily and subtilly to deceive and defraud the faid Robert Richardson the Father and Elizabeth his Wife in this Behalf, have not, nor hath either of them yet paid to the faid Robert Richardson the Father and Elizabeth his Wife, or to either of them, the said Sum so as asoresaid to be paid by the said John Sedgwick and Elizabeth his Wife, and the said Edmund Ducket, to the said Robert Richardson the Father and Elizahab his Wife, (although they the faid fibn Sedgwick and Elizabeth his Wife, and Edmund Ducket, afterwards, to wit, on the wentieth Day of January in the Year of ur Lord one Thousand seven Hundred nd twenty-nine, at London aforefaid were them required to pay the same) but to ay them the fame have hitherto intirely taled, and still do refuse, to the Damage

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of the faid Robert Richardson the Father and Elizabeth his Wife, of one hundred Shillings: And thereupon they bring Suit, Edc.

Plea.

and the faid John Sedgwick and Eliza. beth his Wife, and Edmund Ducket, by William Cranston their Attorney, come and Defend the Force and Injury, when, &c. and fay, That the faid Robert Richardson the Father and Elizabeth his Wife ought not to have or maintain their faid Action against them, because they say, That true it is, that they the faid Fohn Sedgwick and Elizabeth his Wife, and Edmund Ducket, undertook in Manner and Form as they the faid Robert Richardson the Father and Elizabeth his Wife have thereof above complained against them; but they the faid John Sedgwick and Elizabeth his Wife, and Edmund Ducket, further fay, That the faid Writing first above mentioned was not the Deed of the faid Thomas, as the faid Robert Richardson the Father and Elizabeth his Wife have above affirmed And of this they put themselves upon the Country; and the faid Robert Richards the Father and Elizabeth thereof likewife &c. Therefore let a Jury come before ou Lord the King at Westminster, on Monda next after the Morrow of the Ascension our Lord, and who neither, &c. to tal Recognizance, &c. because as well, & The fame Day is given to the Parties forefaid at the fame Place.

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Pleas before our Lord the King of Easter Term in the third Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, Gc.

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London, The Jury between Robert Jurat. Richardon, Gentleman, and to wit, Elizabeth his Wife, by their faid Attorney, Plaintiffs, and John Sedgwick and Elizabeth his Wife, and Edmund Ducket, of a Plea of Trespass upon the Case, is respited before our Lord the King at Westminster until Friday next after the Morrow of the Holy Trinity, unless the King's Right Trufty and Well-beloved Sir Robert Raymond, Knight, the King's Chief Justice affigned to hold Pleas in the Court of our faid Lord the King before the King himfelf, shall come before on Friday the thirteenth Day of May at Guildhall, London, by Form of the Statute, &c. and for Default of the Jurors, &c. Therefore let same Day is given to the Parties aforesaid at the same Place, &c. Afterwards, at Postea. the Day and Place within contained, be-fore Sir Robert Raymond, Knight, the King's Chief Justice within written, Capel Billingsley, Gentleman, being affociated bhim, by Form of the Statute, &c. came well the within-named Robert Richardm, Gentleman, and Elizaleth his Wife, Plaintiffs, as the within written John Sedg-

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wick and Elizabeth his Wife, and Edmund Ducket, Defendants, by their Attorneys within contained; and the Jurors of the Jury whereof Mention is within made being demanded, some of them, to wit, Allen Webb, William Birch, Robert Keat, Edward Forreft, William Mackerness, and Richard Lookes came; and those Jurors are sworn, and because the rest of the Jurors of that Jury did not appear, therefore others of those stand. inground hereunto chosen by the Sheriffs of London within written at the Request of the faid Robert and Elizabeth his Wife, and by the Command of the faid Chief Juftice, were added anew, whose Names are affiled to the within written Panel, according to the Form of the Statute in such Case made and provided; which said Jurors fo added anew, to wit, John Dodd, Timothy Lee, John Best, Thomas Bugby, George Stagg, and John Marsh, being demanded also come, who to say the Truth of the within contained, together with the faid other Jurors first impanelled, being chosen, tried and fworn, fay upon their Oath, That the Writing within mentioned was the Deed of the faid Thomas Penny, otherwise Penne, within named as the faid Robert and Elizabeth his Wife have within affirmed : Therefore, &c.

Tales.

Verdict for Plaintif.

Of the Term of the Holy Trinity in the Tenth and Eleventh Year of the Reign of King George the Second.

Roll

Ventris.

Berkshire, 13e it remembered, that on Memoran-Friday next after the Mor-dum of the row of the Holy Trinity in that same Same Term. Term before our Lord the King at Westminster comes Sir Jemmet Raymond, Knt. by foseph Smith his Attorney, and brings here in the Court of our faid Lord the King his certain Bill against Richard Wareing, Esq; of a Plea of Trespass on the Cale; and there are Pledges of Profecuting, to wit, John Doe and Richard Roe; which faid Bill follows in thefe Words, to wit, Berkshire, Sir Jemmet Ray- Declaration on mond, Knight, complains of Richard feveral Issues Wareing, Esq; in the Custody of the cery. Marshal of the Marshalfea of our Sovereign Lord the King before the King himself, for that whereas on the tenth Day of I. Whether December in the Year of our Lord one the Plaintiff Thousand seven Hundred and thirty-fix, was intitled to at the Parish of Thacham in the County of a Manor cal-Berks, a certain Discourse was had between nor of H. the faid Sir Jemmet Raymond and the faid Richard, whether the faid Sir Femmet Raymond was then intitled to a Manor called the Manor of Henwick in the Parish of Shacham in the County of Berks, or not: and upon that Discourse the said Sir Jemmet

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met did then and there affirm, that he the faid Sir Femmet was then intitled to a Manor called the Manor of Henwick in the Parish of Thacham in the County of Berks, which faid Affirmation of the faid Sir 7em. enet the faid Richard did then and there deny: And thereupon the faid Richard afterwards, to wit, on the Day and Year aforesaid, at the Parish of Thacham aforefaid, in Confideration that the faid Sir Temmet, at the Special Instance and Request of the said Richard, had paid into the Hands of the faid Richard five Pounds of lawful Money of Great Britain, took upon himfelf, and then and there faithfully promised the said Sir Temmet to pay to the faid Sir Femmet the Sum of ten Pound of like lawful Money, if the said Sir 7em met was then intitled to a Manor called the Manor of Henwick in the faid Parill of Thacham in the County of Berks And the said Sir Jemmet doth aver, that he the said Sir Jemmet was then intitle to a Manor called the Manor of Hen wick in the faid Parish of Thacham in th County of Berks, to wit, at the Parish a foresaid : and whereas afterwards, wit, on the same Day and Year, at the Parish aforesaid, another Discourse wa had between the faid Sir Jemmet Ra, mond and the faid Richard, of and cor any and what cerning certain Lands called Ham-Mi Part of them. Mill-pond Bank, Henwick Bowling-Gree Ashmole Green, and Day's, otherwise calls Woodage's Lane in the Parish aforesaid, at

2. Whether the Plaintiff was intitled to certain Parcels of Land, or to

in the Court of King's Bench.

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thether the faid Sir Jemmet Raymond was ntitled to the faid Lands, or to any of them, r to any Part thereof, or not: Upon which aid last mentioned Discourse the said Sir femmet did then and there affirm, that he he faid Sir Temmet was then intitled to all he faid Lands called Ham-Mill, Mill-pond Bank, Henwick Bowling-Green, Ashmole-Green, and Day's, otherwise called Wood-ge's Lane, which the said Richard did then and there deny: And thereupon the said Richard afterwards, to wit, on the same Day and Year, at the Parish aforesaid, in Consideration that the said Sir Jemmet, at the Special Instance and Request of the aid Richard, had paid into the Hands of he said Richard ten Pounds of like lawfem all Money of Great Britain, took upon alled imself, and then and there faithfully promised the said Sir Jemmet to pay to the said Sir Jemmet the Sum of forty Shilings of like lawful Money, if the said Sir title semmet was then intitled to the said Land alled Ham-Mill, Mill-pond Bank; but if the said Sir Jemmet was then intitled only to sish a said Sir Jemmet was then intitled only to sish a said Sir Jemmet five sait the shillings for every Acre, and so in Procortion for any lesser Quantity than an acre thereof, to which the said Jemmet sas then so intitled, and the Sum of onty Shillings of like lawful Money, if the Greet said Sir Jemmet was then intitled to the said Sir Jemmet was then intitled to the said Sir Jemmet was then intitled to the said Land called Henwick Bowling-Green; he said Richard ten Pounds of like lawid Land called Henwick Bowling-Green; i, at out if the said Sir Jemmet was then intitled

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tled only to Part of the faid last mentioned Land, then to pay to the faid Sir Temmet fix Shillings for every Acre, and fo in Proportion for any leffer Quantity than an Acre thereof, to which the faid Sir 7emmet was then so intitled; and the Sum of forty Shillings of like lawful Money, if the faid Sir femmet was then intitled to the faid Land called Ashmole-Green; but if the faid Femmet was then intitled only to Part of the said last mentioned Land, then to pay to the faid Sir Jemmet seven Shillings for every Acre, and fo in Proportion for any leffer Quantity than an Acre thereof, to which the faid Sir Femme was then fo intitled; and also the Sum of forty Shillings of like lawful Money, if the faid Sir Femmet was then intitled to the faid Land called Day's, otherwise called Woodage's Lane; but if the faid Sir 7em met was then intitled only to Part of the last mentioned Land, then to pay to th faid Sir Femmet eight Shillings for ever Acre, and fo in Proportion for any leffe Quantity than an Acre thereof, to which the faid Sir Femmet was then so intitled and the faid Sir Temmet doth aver, that he the faid Sir Jemmet was then intitled t the Lands called Ham-Mill, Mill-pond Ban containing one Acre; and to the faid Lan called Henwick Bowling-Green, containing three Acres; and to the faid Land calle eld of Ashmole-Green, containing fifteen Acres ne Per and to the faid Land called Day's, otherwi and c called Woodage's Lane, containing of

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Acre; whereby the Sum of eight Founds or the faid feveral Parcels of Land, and ix Pounds fixteen Shillings for the faid feveral Acres became due and payable by he faid Richard to the faid Sir Jemmet, to wit, at the Parish aforesaid: And whereas 3. Whether afterwards, to wit, on the same Day and the said Lands Year, at the Parish aforesaid, another Dis- were Part of tourse was had between the said Sir Jem- the Waste of net and the faid Richard, of and concern- or held of the Manor of T. ng the faid Lands called Ham-Mill, Milland Bank, Henwick Bowling-Green, Ashnole-Green, and Day's, otherwise called Woodage's Lane, and whether the faid Lands, or any of them, or any Part hereof, was then Part of the Waste, or held f the Manor of Thacham or not; And hereupon the faid Richard afterward, to nit, on the same Day and Year, at the Parish aforesaid, in Consideration that the aid Sir Jemmet, at the Special Instance nd Request of the said Richard, had paid nto the Hands of the faid Richard five founds of like lawful Money, took upon imself, and then and there faithfully pronifed, that he the faid Richard would pay othe faid Sir Femmet the Sum of one Shiling of like lawful Money, if the faid and called Ham-Mill, Mill-pond Bank as not Part of the Waste of the said Malanor of Thacham, and the Sum of so Shillings if the fame Land was not eld of the same Manor, and the Sum of ne Penny for every Acre of the faid and called Ham-Mill, Mill-fond Bank,

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and fo in Proportion for any leffer Quantity than an Acre thereof which is not Par of the Waste, or held of the Manor of Thacham; and the Sum of three Shillings of like lawful Money, if the faid Land called Henwick Bowling-Green was no Part of the Waste of the said Manor of Thacham; and the Sum of four Shilling if the same Land was not held of the same Manor; and the Sum of Two-pence for every Acre of the faid Land called Hen wick Bowling-Green, and fo in Proportion for any leffer Quantity than an Acre there of which is not Part of the Waste or heldo the faid Manor of Thacham; and the Sur of five Shillings of like lawful Money if the faid Land called Ashmole-Green was no Part of the Waste of the said Manor of Thacham; and the Sum of fix Shilling if the same Land was not held of the fame Manor; and the Sum of Three pence for every Acre of the faid Lan called Albmole-Green, and fo Proportion for any leffer Quantity than an Acre then of which is not Part of the Waste held of the Manor of Thacham; and the Sum of feven Shillings of like lawful M ney, if the faid Land called Day's, other wife called Woodage's Lane, was not Pa of the Waste of the said Manor of The bam, and the Sun: of eight Shillings, if t Land was not held of the same M nor; and the Sum of Four-pence for eve Acre of the faid Land called Day's, other wife Woodage's Lane, and fo in Proporti

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or any less Quantity than an Acre which not Part of the Waste, or held of the aid Manor; and the faid Sir Femmet doth ver, that the faid Lands called Ham-Mill. fill-pond Bank, Henwick Bowling-Green. Amole-Green, and Day's, otherwise called Voodage's Lane, or any of them, or any art thereof, was not Part of the Waste or eld of the faid Manor of Thacham; hereby the Sum of thirty-fix Shillings or the faid feveral Parcels of Land, and he Sum of four Shillings and Eight-pence or the faid several Acres became due and ayable by the faid Richard to the faid Sir emmet : Devertheless the faid Richard ot regarding his said several Promises and indertakings made as aforefaid, but coniving and fraudulently intending to deive the said Sir Jemmet, hath not yet paid him the faid feveral Sums of Money, or y Part thereof, (although the faid Rich-d afterwards, to wit, on the same Day d Year, and often after, at the Parish oresaid was requested by the said Sir mmet so to do) but hath hitherto al-gether refused, and still doth refuse to y him the fame: Wherefore he faith, at he is damnified to the Value of one undred Pounds; and therefore he brings it, &c.

And the faid Richard, by Arthur Stone Plea to the Attorney, comes and defends the Force first Promise. Injury, when, &c. And faith it is the did undertake and promise in Manand Form as the said Sir Jemmet above

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complains against him; but as to the first Promise and Undertaking in the faid Declaration above mentioned, the faid Richard faith, that the faid Sir Jemmet ought not to have or maintain his faid Action therefore against him, because he faith. that the faid Sir Femmet was not intitled to a Manor called the Manor of Henwick in the Parish of Thacham in the County of Berks, as the faid Sir Femmet above de clares: And of this he puts himself upon the Country; and the faid Sir Femmet like To the fecond. wife : And as to the fecond Promife and Undertaking in the faid Declaration above mentioned, the faid Richard faith, tha the faid Sir Jemmet ought not to have o

maintain his faid Action therefore again him; because he saith that the said Si Temmet was not intitled to the faid Land called Ham-Mill, Mill-pond Bank, He wick Bowling-Green, Ashmole-Green, an Day's, otherwise called Woodage's Lane, to any of them, or to any Part thereof, the faid Sir Temmet above declares; At of this he puts himself upon the Country and the same Sir Femmet likewise: At as to the last Promise and Undertaking in the faid Declaration above contains the faid Richard faith, that the faid Temmet ought not to have or maintain faid Action therefore against him, beca he faith, that all the faid Lands cal Ham-Mill, Mill-pond Bank, Henwick Bo ing-Green, Ashmole-Green, and Day's, therwise called Woodage's Lane, are P

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y's, e P of the Waste, or held of the said Manor of Thacham: And of this he puts himself upon the Country; and the said Sir Jemmet likewise, &c. Therefore as well to Venire to try try the aforesaid Issue, as the several the several shother Issues above joined between the said sues. Parties, let the Jury come before our Lord the King at Westminster, on Wednesday next after three Weeks of the Holy similar, and who neither, &c. to recognize, &c. because as well, &c. The same Day is given to the aforesaid Parties there, &c.

London. Nathaniel Knight complains Declaration of Edward Parson in the Custody of the by an Indorsee Marshal of the Marshalsea of our Lord against the he King, before the King himself, for an inland Bill hat, to wit, That whereas the faid Na- of Exchange. baniel and Edward, and one John Penny, nd Matthew Rolleston, now are, and at he Time of making the Bill hereafter nentioned, and long before, and ever ace, were Persons residing and dealing ithin this Kingdom, to wit, at London foresaid in the Parish of St. Mary Le Bow the Ward of Cheap, and so residing and ealing, the faid Edward on the fixteenth ay of May in the Year of our Lord one housand seven hundred and London aforesaid in the Parish and Ward oresaid, according to the Usage and of Merchants, from the Time to Contrary whereof the Memory of an is not, at the same Place used and Vol. II. Q approved,

approved, made a Bill of Exchange in Writing, his Hand being thereunto fubferibed, bearing Date the same Day and Year, and then and there directed the faid Bill to the aforefaid John Penny, by which Bill the faid Edward required the faid John, thirty Days after the Date thereof, to pay to the said Nathaniel Knight, or his Order, forty Pounds, for Value received, as by Advice from the faid Edward; And the faid Sum of Mo-

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dorfes the Bill. ney being unpaid to the faid Nathaniel. the faid Nathaniel afterwards, to wit, on the same Day and Year at London aforefaid in the Parish and Ward aforesaid, according to the aforefaid Ufage and Cufrom of Merchants, indorsed the faid Bill his Hand being thereunto fubscribed, and by the faid Indorsement the faid Natha niel appointed the Contents of the fair Bill to be paid to the faid Matthew Rolls Bill accepted. fton, or his Order; and the faid John a

terwards, to wit, on the fame Day an Year at London aforesaid in the Parish an Ward aforefaid, according to the faid ! fage and Cuftom of Merchants, had Sig of the faid Bill fo indorfed, and accept the faid Bill to be paid according to t Tenor of the faid Bill and Indorsemen But the faid John did not pay the fa Matthew the faid forty Pounds, althou

Not paid.

the faid John afterwards, to wit, on t first Day of July in the Year aforesa at London aforesaid in the Parish a Ward aforesaid, was required by the Matth

Matthew to pay the same: And after- Indorfed back wards, to wit, on the faid first Day of to Plaintiff. July in the Year of our Lord aforesaid, at London aforesaid in the Parish and Ward aforefaid, the faid Sum of Money being unpaid to the faid Matthew, he the faid Matthew, according to the faid Ulage and Custom of Merchants, indorfed the faid Bill, his Hand being thereunto fubfcribed, and by the faid Indorsement the faid Matthew appointed the Contents of the faid Bill to be paid to the faid Nathaniel, or Order; And the faid Nathaniel Bill not pata: afterwards, to wit, on the said first Day of July in the Year of our Lord aforefaid. at London aforefaid in the Parish and Ward asoresaid, requested the said John to pay him the said Nathaniel the said Sum of Money, according to the Tenor of the faid Bill and Indorsement, which the faid John then and there intirely refused to do; and the faid John never paid the faid forty Pounds to the faid Nathaniel, of which the faid Edward on the Day and Year last mentioned, at London aforesaid in the Parish and Ward aforesaid, had Notice; by Reason of which said Premisses, and also by Force of the said Uage and Custom of Merchants, the faid Edward, according to the faid Usage and Custom of Merchants, became liable to bay to the faid Nathaniel the faid Sum of Money, according to the Form and Effect of the faid Bill and Indorsement; All Affumpfit eing fo liable the faid Edward afterwards,

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to wit, on the faid first Day of July in the Year aforefaid, in the Parish and Ward aforesaid, undertook and then and there faithfully promifed the faid Nathaniel to pay him the faid Sum of Money, according to the Form and Effect of the faid Bill and Indorsement : Det the said Edward no ways, &c.

Breash.

Trinity Term in the Year of King George the Second.

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Declaration on a Foreign Bill of Exchange by a fecond Indorfee ceptor of the Bill.

London. CAMUEL Robinson complains of William Cary in the Custody of the Marshal of the Marshalfea of our Lord the King, before the King himagainft the Ac- felf, for that, to wit, that whereas one William Hulle, on the twenty-fecond Day of April New Stile, in the Year of our Lord one Thoufand feven Hundred and and long before and after, was a Merchant residing and trafficking at Middleburg in Parts beyond the Seas; and whereas the faid William Cary was and still is a Merchant residing and trafficking at London, to wit, in the Parish of St. Mary Le Bow in the Ward of Cheap; and whereas the faid William Hulfe afterwards to wit, on the same Day and Year, at Middleburgh aforesaid, according to the Usage and Custom of Merchants, made a Bil of Exchange in Writing, bearing Date the fame Day and Year aforefaid, and to the faid Bill of Exchange then and ther

fubscribed his Hand, by the Name of

William Hulfe, and directed the faid Bill to the faid William Cary Merchant at London aforefaid, and by the faid Bill the faid William Hulfe required the faid William Cary, in fix Weeks after the Date of the faid Bill, to pay to the Order of Mr. John Blondell fixty Pounds Sterling for Value received, as by Advice from the faid William Hulfe; And also whereas the Indorfed faid John Blondell afterwards, to wit, on the tenth Day of May in the Year aforefaid, at London aforefaid in the Parish and Ward aforesaid, by his Indorsement, his Hand being thereunto fubscribed, appointed the Contents of the faid Bill to be paid to one Facob Coornbart, or Order, Value received; and also inhereas the faid Indorfed again facob Coornhart afterwards, to wit, on the to Plaintifffaid tenth Day of May in the Year aforefaid, at London aforesaid in the Parish and Ward aforefaid, by his Indorsement, his Hand being thereunto subscribed, appointed the Contents of the faid Bill to be paid to the faid Samuel Robinson; and Defendant Acwhereas the faid William Cary, to whom cepts the Bill. the faid Bill of Exchange was directed as aforesaid, afterwards, to wit, on the same Day and Year last above-mentioned, at London aforesaid in the Parish and Ward aforesaid, according to the said Usage and Custom of Merchants, accepted the said Bill to pay the faid fixty Pounds Sterling, in the said Bill mentioned, to the said Samuel Robinson, according to the Tenor and Effect of the faid Bill and Indorse-

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ments thereon made as aforefaid, of which the faid William Cary then and there had Notice; by Reason of which said Premisses, and according to the said Usage and Custom of Merchants, the faid William Cary became liable to pay to the faid Samuel Robinson the faid fixty Pounds Sterling in the faid Bill contained *, according to the Tenor and Effect of the faid Bill and the Indorsements thereon made as aforefaid; and the faid William Cary being fo liable, afterwards, to wit, on the fame Day and Year last abovementioned, at London aforesaid in the Parish and Ward aforesaid, in Consideration thereof undertook, and then and there faithfully promifed the faid Samuel to pay him the faid Sum of Money in the faid Bill contained, according to the

Affumpfit.

Sed per Cur. The Acceptance, tho after the Day the Money was payable, is binding, and as for the Words facundum tenorem & effectum Billa, the Effect of the Bill is the Payment of the Money, and not the Day of Payment, or at most this is but Surplusage. Judic. pro Quer. Carth. 459.

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^{*} Bill of Exchange presented to and accepted by the Drawce after the Timeit was made payable; on an Action against him the Plaintiff declared, that the Desendant assumpsit to pay the Money fecundum tenorem of effection Billia pred. Issue, and Verdict pro Quer. Moved in Arrest of Judgment that it was impossible the Desendant could pay the Money fecundum tenorem Billa, because the Bill was not presented or accepted till about a Year after the Day on which the Money was payable by the Tenor.

in the Court of King's Bench. 231

Tenor and Effect of the said Bill and Indorsements: Det the said William Cary Breach.
no Ways, &c.

Easter Term in the Tenth Year of King George the Second.

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London, 13 & it remembered, That in Memoranto wit, the Terns of St. Hilary last dum of a prepast, before our Lord the King at West-cedent Term. minster came William Dunstar by Gabriel Fobnion his Attorney, and brought in the Court of our faid Lord the King then there his certain Bill against Edward Peirce, being in the Custody of the Marhal of the Marshalsea of our Lord the King, before the King himself, of a Plea of Trespass upon the Case; and there are Pledges of profecuting, namely, John Doe and Richard Roe; which faid Bill follow- Declaration eth in these Words, to wit, London, to on a Foreign wit, William Dunftar complains of Edward Bill of Ex-Peirce being in the Custody of the Mar-change by the hal of the Marshalsea of our Lord the gainst the sur-King, before the King himself, for this, viving Drawwit, That whereas the faid Edward er. Lutw. Peirce and one John Treverse now decea- 946, 950. ed, on the ninth Day of May in the Year of our Lord one Thousand seven Hunired and Thirty-five, being Merchants at Sereleon in Parts beyond the Seas, to wit, t London aforesaid, in the Parish of St. Mary Le Bow in the Ward of Cheap, by heir Bill of Exchange in Writing, fubcibed with their proper Hands, and directed to the Committee of the Gamboa

Company, required and appointed the

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Bill tendered.

faid Committee to pay to the faid William, or his Order, on Sight of the faid Bill, their fecond or third Bill of the fame Time or Date with the faid Bill not being paid, the Sum of fixty-five Pounds and four Shillings, being for the like Value there received: And also inhereast afterwards, to wit, on the first Day of September in the Year last aforesaid, at London aforesaid, in the Parish and Ward aforesaid, the said Bill of Exchange was shewed to the said Committee of the Gam-

boa Company, and the faid Committee

Not acce ted.

then and there was requested to accept the faid Bill according to the Ulage of Merchants, and to make Payment of the faid fixty-five Pounds and four Shilling to the faid William, according to the Form and Effect of the faid Bill: and all whereas the faid Committee then and there refused to accept the faid Bill, and to pay the faid fixty-five Pounds and fou Shillings, the faid fecond and third Bil or either of them being then and ther not accepted nor paid; by Reason of which faid Premisses, according to the Usage between Merchants from th Time to the contrary whereof the Me mory of Man is not used and approved to wit, at London aforesaid in the Paril and Ward aforesaid, the said Edward an John ought to have paid the faid in ty-five Pounds and four Shillings to the

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faid William, the faid Edward and John in Consideration of the Premisses then Assumpsit. and there undertook, and to the faid Wilham then and there faithfully promifed to pay to the faid William the faid fixty-five Pounds and four Shillings, when they should be thereunto afterwards required: pet the faid Edward and John in the Breach. Life-time of the faid John have not, nor has the said Edward since the Death of the faid Fohn paid the faid fixty-five Pounds and four Shillings to the faid William, although often required, &c. but the said Edward and John in the Lifetime of the said John, and the said Ed-ward after the Death of the said John reward after the Death of the faid John reis of field to pay the fame to the faid William,
the and the faid Edward still refuses to pay
him the fame: Att also whereas the faid Indeb. Ass.

orm Edward and John Treverse in the Lifefor Money bad
allo time of the faid John, to wit, on the faid
and winth Day of May in the faid Year of our Promise aand Lord one Thousand seven Hundred and gainst the
fow Thirty-five, at London aforesaid, in the Survivor.

Bill Parish and Ward aforesaid, were indebtthere ad to the said William in other sixty-five
on a Pounds and four Shillings lawful Money
to the said Edward and John in the Lifee Me ime of the said John before that Time
and and received to the Use of the said
Paris Milliam; and the said Edward and John,
ord an a Consideration thereof, then and there
id so the said William, that they the
said said

William, that they the
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Breach.

faid Edward and John would well and truly pay the faid fixty-five Pounds and four Shillings to the faid William, when they should be thereunto afterwards required : Det the faid Edward and John in the Life-time of the faid John not regarding their feveral Promifes and Undertakings made in Form aforesaid, but contriving and fraudulently intending in this Behalf craftily and fubtilly to deceive and defraud the faid William of the faid feveral Sums of Money, the faid Edward and John or either of them in the Life time of the faid John, or the faid Edward after the Death of the faid John, have not nor has either of them, paid the faid fixty five Pounds and four Shillings, or any Part thereof, to the faid William, although often requested, &c. but the said Edwar and John in the Life-time of the said John, and the faid Edward after th Death of the faid John, intirely refused t pay the faid fixty-five Pounds and for Shillings to the faid William, and the fai Edward still refuses to pay him the sam to the Damage of the faid William of tw hundred Pounds: And thereupon brings Suit, &c. With this, that the la William Dunftar will verify, that at t Time of making the faid Bill, and lot before and after, there was at London, wit, at the Parish and Ward aforesa a certain Company of Merchants call and known by the Name of the Co mittee of Gamboa Company, to whi

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id Company, by the aforefaid Name, ills of Exchange have, during the whole ime aforesaid, been used to be directed cording to the Usage and Practice aongst Merchants.

and now at this Day, to wit, Wednef- Imparlance, ynext after fifteen Days of Eafter in is same Term, to which Day the said dward Pierce had Leave to imparle to e faid Bill, and then to answer, &c. bete our Lord the King at Westminster me as well the faid William Dunstar as e faid Edward Peirce by Dutton Seaman s Attorney; and the faid Edward dends the Force and Injury, when, &c. and
the first Promise and Undertaking in Demurrer to
e said Declaration of the said William the first Count.
overmentioned, he the said Edward prays adgment of the faid Declaration, because says, that the said Declaration, and the atter therein contained, is not fufficient Law to maintain the Action of the faid for illiam thereupon against the said Edward; which said Declaration, as to the said fam A Promise and Undertaking contained the faid Declaration of the faid William, n he faid Edward need not, nor is he bound the Law of the Land in any Manner to the Law of the Land in any Manner to at the swer: And this he is ready to verify:
d lot herefore for want of a sufficient Declaion in this Behalf as to the faid first Prole and Undertaking in the Declaration the faid William above mentioned, the Edward prays Judgment, and that faid William may be barred from having

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his Action against the faid Edward there upon as to the first Promise and Under taking in the faid Declaration of the faid

Non Affump- William above mentioned : And as to the fecond Promises in the Declaration of the faid William above also mentioned, the faid Edward fays, that he did not under take in Manner and Form as the faid Will liam hath above declared against him And of this he puts himself upon the

Iffue thereon.

murrer,

Country; and the faid William does f Foinder in De. likewise, &c. And the faid William fays that he by any thing by the faid Edwar above in Pleading alledged, as to the fir Promise and Undertaking in the faid De claration above mentioned, ought not t be barred from having his Action there upon against the faid Edward, because h fays, that the faid Declaration, and the Matter therein contained as to the fai first Promise and Undertaking, are god and sufficient in Law to maintain the la Action of the faid William thereupon gainst the said Edward; which said D claration, and the Matter therein contain ed, the faid William is ready to verify a prove as the Court, &c. And becauset faid Edward does not answer the faid D claration, nor has hitherto at all deni the same, the said William as before pra Judgment and his Damages by Occasion the Premisses to be adjudged to him, But because the Court of our said Lo the King now here are not advised giving their Judgment of and upon Premi

Continuance.

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remisses, whereon the faid Parties have ut themselves upon the Judgment of the ourt, a Day is thereupon given to the id Parties before our Lord the King at Vesminster until Friday next after the forrow of the Holy Trinity to hear their udgment of and upon the faid Prehilles, for that the Court of our faid ord the King now here is not yet adfed, &c. and as well to try the faid If- Award of Vee between the said Parties above joined nire facias be tried by the County, as to inquire tamadtriand hat Damages the faid William has ful- quam ad Inined by Occasion of the faid Premisses, quirend. hereupon the faid Parties have put themlves upon the Judgment of the Court, Judgment shall thereupon be given for be faid William against the faid Edward; et a Jury come thereupon before our ord the King at Westminster, at the aforeid Day; and who neither, &c. to regnize, &c. because as well, &c. me Day is given to the Parties aforesaid here, &c. At which Day before our Lord Nolle Profeeking at Westminster came as well the qui as to the id William as the faid Edward by their fecond Count. ttorneys aforesaid; and the said William knowledged here in Court, that he I Plowden ould not further profecute against the Pract. Reg. e faid Edward as to the second Promise 218, 220. d Undertaking in his faid Bill above entioned : And as to the faid first Promise Continuance. d Undertaking in the faid Declaration ove mentioned, whereupon the faid

rties have put themselves upon the Judg-I

ment of the Court, because the Court our faid Lord the King here are not ye

advised of giving their Judgment of an

upon the Premises, a Day is thereupon

given to the faid Parties before our Lon

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the King at Westminster unto Thursday ne after three Weeks of St. Michael to he their Judgment thereupon; for that the Court of our faid Lord the King no here is not yet advised, &c. At which Day before our Lord the King at We minster came the faid Parties by their A tornies aforesaid: Whereupon the Pr misses as to the faid first Promise and U dertaking in the faid Declaration abo mentioned, whereupon the faid Parti have put themselves upon the Judgme of the Court, being feen, and by Court of our faid Lord the King now he fully understood; for that it seems the Court of our faid Lord the King n here, that the faid Declaration, and Matter therein contained as to the first Promise and Undertaking, are go and sufficient in Law to maintain the Al on of the faid William thereupon again the faid Edward; It is confidered that faid William ought to receive his Dama against the faid Edward: But because Inquiry of Da- is unknown to the Court of our faid L the King now here what Damages the William has fustained by Occasion of Premises; It is therefore commanded the Sheriffs, that by the Oath of tw good and lawful Men of their Bail

Award of mages.

hey diligently inquire what Damages the aid William has fustained, as well by Ocafion of not performing the faid first Pronife and Undertaking, as for his Costs and harges by him about his Suit in this Bealf expended: And that they fend the nquisition, which, &c. to our Lord the ing at Westminster on Friday next after be Octave of St. Hilary, under their Seals, nd the Seals, &c. together with the Writ four faid Lord the King to them thereoon directed: The fame Day is given to he faid William there, &c. At which Day before our Lord the King at Westinfter came the faid William Dunftar by

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s Attorney aforesaid: And the Sheriffs London, to wit, and Virtue of the Writ of our said ord the King to them thereupon direct-, return a certain Inquisition taken bere them at the Guilball of the City of ondon, situate in the Parish of St. Lawme in the Old Jewry in the Ward of cap of the same City, on the twentycond Day of January in the Year the Reign of our Sovereign Lord George eSecond now King of Great Britain, &c. the Oath of twelve good, &c. By which appears that the faid William Dunstar s sustained Damages by Occasion of the d Premisses over and above his Costs and barges by him about his Suit in this Bef expended to eighty and nine Pounds, for these Costs and Charges to twen-Ix Shillings and Eight-pence: It is Judgment

there : thereon.

340

therefore confidered, That the faid William Dunstar do recover against the said Edward Peirce his faid Damages found by the faid Inquisition in form aforesaid, and also nine Pounds thirteen Shillings and Eight pence, adjudged by the Court of our faid Lord the King now here to the faid Wil. liam, by his Affent, of Increase, for his Costs and Charges, which faid Damages amount in the whole to One hundred Pounds: And the faid Edward in Mercy, &c.

Judgment, affirmed on Error in the Exchequer Chamber. Lilly's Entrys 55.

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Trinity Term in the Year of, &c.

Indeb. Aff. by Assignee of a Bankrupt's Eftate for delivered by Bankrupt.

London, M/Illiam Knight, Affignee of the Debts, Goods, and Effects to wit, of Thomas Wilks, a Bankrupt, according Goods fold and to the Form of the several Statutes made concerning Bankrupts, complains of Richard Wilks in the Custody of the Marshal of the Marshalsea of our Lord the King, before the King himself, for that, to wit, that whereas the faid Richard, on the tenth Day of April in the of the Reign of our Sovereign Lord George the Second, now King of Great Britain, at London aforesaid, to wit, in the Parish of St. Mary le Bow in the Ward of Cheap was indebted to the faid William as Alfignee in Form aforefaid in one hundred Pounds lawful Money of Great Britain, for divers Goods, Wares and Merchandizes, before that Time fold and delivered

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by the faid Thomas Wilks to the faid Richard Wilks, at his special Instance and Request; and being fo indebted the faid Richard in Consideration thereof, afterwards, to wit, on the same Day and Year at London aforesaid in the Parish and Ward aforesaid, undertook and then and there promised the said William, as Assignee in form aforefaid, that he the faid Richard, when he should be thereunto required, would pay the faid one hundred Pounds to the faid William, as Affignee in form Quant. Val. aforesaid; and also whereas the said Ri-thereon. chard afterwards, to wit, on the faid tenth Day of April in the Year aforefaid, at London aforefaid in the Parish and Ward aforesaid, in Consideration that the said Thomas Wilks had before that Time fold and delivered to the faid Richard Wilks, at his like special Instance and Request, divers other Goods, Wares and Merchandize, undertook, and then and there promifed the faid William, as Affignee in form aforefaid, that he the faid Richard, when he should be thereunto required, would pay to the faid William, as Affignee in form aforefaid, so much Money for the faid Goods, Wares, and Merchandizes last mentioned, as the faid Goods, Wares and Merchandize were reasonably worth at the Time of the Sale and Delivery thereof; and the said William avers, that the said Goods, Wares and Merchandize last mentioned, were at the Time of the Sale and Delivery thereof, by the faid Thomas Wilks, . VOL. II.

to the faid Richard Wilks, reasonably worth other one hundred Pounds of like lawful Money of Great Britain, to wit, at London aforefaid in the Parish and Ward aforesaid, of which the said Richard then and there had Notice; pet the faid Ri. chard, not regarding his faid feveral Promifes and Undertakings made in form aforesaid, but contriving and fraudulently intending craftily and fubtilly to deceive and defraud the faid Wilas Affignee in form aforesaid, in this behalf, has not paid the faid feveral Sums of Money or any Part thereof, (although often required) to the faid William, nor any way contented him for the fame; but to pay the fame hath hitherto refused, and still doth refuse, to the Damage of the faid William of twenty Pounds: And thereupon he brings Suit, 83c.

Pledges, &c.

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Declaration against two Partners, where one is the other appears. Indeb. Aff. for Goods fold

London, YOhn Furgeon, late of Westminto wit, I fter in the County of Middlefex, Merchant, was attached to answer Outlawed and John Adams of a Plea of Trespass on the Case, &c. and whereupon the said John his Attorney complains, Adams by that whereas the faid John Furgeon, togeand delivered. ther with Daniel Barbalt late of Greenwich in the County of Kent, Feltmonger, which faid Daniel Barbalt is in due manner outlawed in the Court of our Lord the King, before the King himself, on the first Day n

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of August in the Year of our Lord One thousand seven hundred and thirty eight, at London, to wit, in the Parish of St. Mary le Bow in the Ward of Cheap, was indebted to the faid John Adams in one hundred and forty Pounds eight Shillings and Eightpence lawful Money of Great Britain, for divers Goods, Wares and Merchandize, before that Time fold and delivered by the faid John Adams to the faid John Furgeon and the faid Daniel Barbalt, who, &c. at their special Instance and Request; and being fo indebted the faid John Furgeon and the aforesaid Daniel Barbalt, who, &c. in Consideration thereof, afterwards, to wit, on the same Day and Year, at London aforefaid in the Parish and Ward aforefaid, undertook, and then and there faithfully promised the said John Adams, that they the faid John Furgeon and the faid Daniel Barbalt, who, &c. would well and truly pay the faid one hundred and forty Pounds eight Shillings and Eight-pence to the faid John Adams, when they should be thereunto afterwards required: Devertheless Breach of Prothe faid John Furgeon and Daniel Barbalt, mile. who, &c. before the faid Outlawry was had, contriving and fraudulently intending of the faid one hundred and forty Pounds eight Shillings and Eight-pence craftily and fubtilly to deceive and defraud the faid John Adams, the said one hundred and forty Pounds eight Shillings and Eightpence to the said John Adams (although to do the same the said John Furgeon and R 2 Daniel

Daniel Barbalt, who, &c. before the faid Outlawry was had, afterwards, to wit, on the first Day of August in the faid Year of our Lord One thousand seven hundred and thirty-eight, and the faid John Furgeon often afterwards, at London aforefaid in the Parish and Ward aforesaid, were required by the faid John Adams) have not, nor has either of them paid, nor have they nor has either of them any ways contented him for the same, but have hitherto intirely refused to pay the said one hundred and forty Pounds eight Shillings and Eight-pence to the faid John Adams, or any ways content him for the same; and the faid John Furgeon still refuses to pay him the faid Sum, to the Damage of the faid John Adams of one hundred and forty Pounds: And thereupon he brings Suit,

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Affumplit by the Servant Master.

To wit, Thomas Eeles complains of Thoan Indorsee a- mas Styles in the Custody of the Marshal, gainst the Ma- &c. for that, That whereas on the sevenmissory Note teenth Day of March in the Year of our drawn by and Lord One thousand seven hundred and in the Name of thirty-seven, and long before, one Ralph for Value re- Rolet fon was a Servant of the faid Thomas ceived for his Styles, and by the faid Thomas Styles then and long before usually intrusted to fign promissory Notes for the said Thomas Styles his Master, to wit, at London aforefaid, in the Parish and Ward aforesaid; and the faid Ralph being fo intrusted as aforesaid, on the same seventeenth Day of March

March in the Year of our Lord One thoufand seven hundred and thirty-seven, at London aforesaid in the Parish and Ward aforesaid, made for the said Thomas Styles a certain Note in Writing called a promissory Note, bearing Date the same Day and Year last mentioned, the proper Hand and Name of the faid Ralph being fubscribed to the faid Note, and by the faid Note the faid Ralph promited to pay to one fames Ford, or Order, fix Months after the Date of the faid Note eighty Pounds, Value received, for the faid Thomas Styles, Master of the said Ralph; and Note Indorsed. the faid Thomas Eeles further fays, that afterwards, and before Payment or Satiffaction of the faid Sum of eighty Pounds in the faid Note contained, to wit, on the twenty-fifth Day of March in the Year of our Lord One thousand seven hundred and thirty-eight, at London aforefaid in the Parish and Ward aforesaid, the said Fames by Indorsement, his proper Hand being indorfed on the faid Note, appointed the Contents of the faid Note to be paid to the faid Thomas Eeles, for Value received; of which said Note so indorsed, and also of the said Indorsement, the said Thomas Styles afterwards, to wit, on the faid wenty-fifth Day of March in the Year of our Lord last above-mentioned, at London foresaid in the Parish and Ward aforeaid, had Notice; and by Virtue of the aid Note and Indorsement aforesaid, and lo by Force of the Statute in fuch Cafe R 3

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lately made and provided, the faid Thomas Styles, then and there became liable to pay the faid Thomas Eeles, the faid eighty Pounds in the Note mentioned, according to the Tenor of the faid Note; and being fo liable the faid Thomas Styles in Confideration thereof, afterwards, to wit, on the fame Day and Year last abovementioned. at London aforesaid in the Parish and Ward aforesaid, undertook, and then and there faithfully promised the faid Thomas Eeles. that he the faid Thomas Styles would well and faithfully pay to the faid Thomas Eeles the faid eighty Pounds according to the Tenor of the faid Note and Indorfement: Devertheless the faid Thomas Styles, &c.

Pleas before our Lord the King at Westminster, of the Term of St. Hilary in the Fifth Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c.

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Memorandum of the same Term. London, Monday next after the Octave of St. Hilary in this same Term before our Lord the King at Westminster came the Governor and Company of the Bank of England, by their Attorney, and brought here into the said Court of our Lord the King then there, their Bill against

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Bill inst

against Catherine Morice, Widow, Executrix of the Testament and last Will of Humpbry Morice, Efq; deceas'd, in the Custody of the Marshal of the Marshalfea of our Lord the King, before the King himself, of a Plea of Trespass on the Case; and there are Pledges of profecuting, to wit, John Doe and Richard Roe; which faid Bill follows in these Words, to wit, Declaration London, to wit, The Governor and Com- against an pany of the Bank of England complain of Executrix. Catherine Morice, Widow, Executrix of the Testament and last Will of Humphry Morice, Esq; deceas'd, in the Custody of the Marshal, &c. for that, to wit, That whereas (the Plaintiffs declare on thirty Counts fur Indebit. Affumpfit for various particular Sums of Money lent, and Money had and received to the Plaintiffs Use alternatim, and then declare as follows,) and also whereas, afterwards, to wit, on the fame 31 & Count, 15th Day of November in the faid Year Indeb. Aff. of our Lord 1731. at London aforesaid in for Money lene the Parish and Ward aforesaid, he the said Humpbry in his Life-time was indebted to the faid Governor and Company in 320001. of lawful Money of Great Britain, for divers Sums of Money before that Time lent by the faid Governor and Company to the the faid Humphry in his Life-time; and being so indebted the said Humphry in his Lifetime in Consideration thereof, afterwards, to wit, on the same 15th Day of November in the faid Year of our Lord 1731. at London aforesaid in the Parish and Ward R 4 aforefaid

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32d Count, Indeb. Aff. for Money bad and received by the Teftator.

faithfully promised the said Governor and Company, that he the faid Humphry would well and truly pay the faid 32000 l. to the faid Governor and Company, when he should be thereunto afterwards required: And also whereas afterwards, to wit, on the same Day and Year last abovesaid, at London aforesaid in the Parish and Ward aforefaid, he the faid Humpbry in his Lifetime was indebted to the faid Governor and Company in other 32000 l. of like lawful Money of Great Britain, for divers Sums of Money by him the faid Humphry in his Life-time before that Time had and received to the Use of the said Governor and Company; and being so indebted the said Hampbry in his Life-time afterwards, to wit, on the same Day and Year last above said at London aforesaid in the Parish and Ward aforefaid, in Confideration thereof, undertook and then and there faithfully promifed the faid Governor and Company, that he the faid Humpbry would well and truly pay the faid 32000 l. last mentioned to the faid Governor and Company, when he should be thereunto afterwards required: And also whereas afterwards, to wit, on the same 15th Day of November in the said Year of our Lord 1731. at London aforefaid in the Parish and Ward aforesaid, he the said Humpbry in his Life-time was indebted to the faid Governor and Company in other 32000 1. of like lawful Money of Great Britain, for Money for the faid Humpbry in his Life-time, and at his special Instance and

33d Count, Indeb. Aff. for Money laid out for Tefta1

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and Request, before that Time expended, aid out and paid by the faid Governor and Company; and being fo indebted the aid Humpbry in his Life-time afterwards, wit, on the same Day and Year last aboveaid at London aforesaid in the Parish and Ward aforefaid, in Confideration thereof, undertook, and then and there faithfully promifed the faid Governor and Company, that he the faid Humphry would well and truly pay the faid 32000 1. last mentioned, to the aid Governor and Company, when he should e thereunto afterwards required: Det Breach. he faid Humpbry in his Life-time, and the aid Catherine after the Death of the faid Humphry, no ways regarding the Promises nd Undertakings of the faid Humphry in is Life-time made in form aforefaid to he faid Governor and Company, but conriving and fraudulently intending craftily nd fubtilly to deceive and defraud the aid Governor and Company, in this bealf, have not paid, nor has either of them aid the faid several Sums of Money, or ny Part thereof, to the faid Governor nd Company (although the faid Humphry his Life-time, and the faid Catherine fier the Death of the said Humpbry, to it, on the 10th Day of December in the id Year of our Lord 1731. and often afrwards, at London aforesaid in the Parish nd Ward aforefaid, were requested by the id Governor and Company) but have inrely refused, and the said Catherine still fuses to pay them the same: Whereupon the

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the faid Governor and Company fay, that they are injured and have Damage to the Value of 35000 1. and thereupon they bring Suit, &c.

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Plea.

And the faid Catherine by her Attorney comes and defends the Force and Injury, when, &c. and fays, That the faid Governor and Company ought not to have their faid Action against her, because A Bond entred the fays that the faid Humpbry in his Life-

into by Tefta- time, to wit, on the 6th Day of March in the Year of our Lord 1727. at London aforefaid in the Parish and Ward aforesaid for his true and just Debt, by his certain Writing Obligatory fealed with his Sealed bearing Date the same Day and Year, ac knowledged himself to be bound to one Sir William Morice, Baronet, in 530001.0 lawful Money of Great Britain, to be payed to the faid Sir William, when he should

fet forth.

The Condition be thereunto afterwards requested, with Condition to the faid Writing Obligatory under written, that if the faid Humphry his Heirs, Executors or Administrator should well and truly pay or cause tob paid unto the faid Sir William, his Execu tors, Administrators or Assigns, the fu Sum of 26500 1. of good and lawful Mone of Great Britain, with Interest for the fai Sum after the Rate of five Pounds for hundred Pounds for a Year, at and upo the feveral Days and Times and in Mann and Form following, that is to fay, the Su of 5000 l. Part of the faid Sum of 26500 upon the 24th Day of June which show

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e in the Year of our Lord 1728. together rith all Interest then due for the said whole um of 26500 L and the Sum of 5000 L ther Part of the faid Sum of 26500 1. with he Interest for the same 5000 L upon the 4th Day of June which should be in the Year of our Lord 1729, together with the nterest then likewise due for the Sum of 6500 1. the Remainder of the faid Sum of 6500 l. then behind and unpaid, and the um of 5000 l. more thereof with the Inteeft for the same Sum upon the 24th Day ffune which should be in the Year of our Lord 1730. together also with the Interest hen likewise due for the Sum of 11500 %. he Remainder of the faid Sum of 26500 1. hen behind and unpaid, and the further um of 5000 l. more thereof with the Inteest for the same, upon the 24th Day of fune which should be in the Year of our Lord 1731. together also with the Interest hen likewise due for the Sum of 6500 1. the lemainder of the faid Sum of 26500 1. then chind and unpaid, and the like Sum of ooo l. more thereof with the Interest for he same upon the 24th Day of June which hould be in the Year of our Lord 1732. ogether also with the Interest then likeise due for the Sum of 1500 l. the Renainder of the faid Sum of 26500 l. then thind and unpaid, and the Sum of 1500 l. ting the Residue and Remainder of the aid Sum of 26500 l. upon the 24th Day of une which should be in the Year of our ord 1733. together with the Interest then due

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due for the faid Sum of 1500% without Fraud or further Delay; then the faid Obligation to be void and of no effect; but if Default should happen to be made in Payment of any or either of the faid feveral and respective Sums of Money above mentioned, or of any Part of any or either of them, or of any of the faid Interest, on any or either of the faid feveral and respective Days or Times above limited or appointed for the Payment thereof, contrary to the true Intent and Meaning of the faid Condition, then the faid Obligation to be and remain in full Force and Virtue; provided nevertheless, and the said Obligation was upon this further Condition, that it should be lawful for the faid Humphry Morice, his Heirs, Executors or Administrators, to pay, satisfy and discharge the faid Sum of 26500 l. and Interest or any Part or Parts thereof, in any shorter Time or Times than were in the faid Condition before limited and appointed for the Payment thereof, in Payments of not less than 5000 l. at a time (except the last Payment thereof) he the said Humpbry Morice, his Heirs, Executors or Administrators, first giving fix Months Notice in Writing under his or their Hand or Hands unto the faid Sir William Morice, his Executors, Administrators or Assigns, of such his or their Intention fo to do, at his the faid Sir William Morice's then last Place of Abode, or if the faid Sir William Morice should be then dead, to his Executors or Adminiout aid aid

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orice s or niniAdministrators: And the said Catherine Defendant sets urther fays, that the faid 5000 l. in the forth what is aid Condition above mentioned to be pay-really due on ble upon the 24th of June in the Year of our Lord 1732, and the faid 1500 l. in the aid Condition above mentioned to be payble upon the 24th Day of June in the Year of our Lord 1733. together with the shole Interest for the said several Sums of 5000 l. and 1500 l. last mentioned due nd payable from the 24th Day of June n the Year of our Lord 1731. are still inpaid, and the faid Writing Obligatory till remains in its full Force and Effect, o ways annulled, cancelled or fatisfied; the Defendant pleads another Bond entred nto by the Testator as Security for a third. Perfon, and goes on and the faid Cathe- Pleads another ine further fays, that the said Humphry Bond. therwards in his Life time, to wit, on the 7th Day of Fuly in the Fourth Year of he Reign of his present Majesty, at Lonon aforesaid in the Parish and Ward apresaid, for another true and just Debt, y his certain other Writing Obligatory ealed with his Seal, bearing Date the same Day and Year last abovesaid, acknow-

edged himself to be bound to one Thomas

Vilson, Esq; in 5000 l. like lawful Mo-

then he should be thereunto aftertards required, with a Condition there- Sets forth the ander written for Payment of 2500 l. like Condition, awful Money upon the 27th Day of July the Year of our Lord 1731. with law-

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Debt due.

ful Interest for the same, to be made by the faid Humpbry to the faid Thomas, which faid 2500 l. together with the Interest and the real thereof from the 27th Day in the Year of

our Lord 1731. were at the Time of the Death of the faid Humpbry truly and juffly due from the faid Humpbry to the faid Thomas, and are still unpaid, and the said Writing Obligatory last mentioned still remains in its full Force and Effect, no ways annulled, cancelled, or fatisfied

Bond.

Pleads another and the faid Catherine further fays, that the faid Humphry afterwards in his Life time, to wit, on the twenty-fifth Day of March in the Fourth Year of His pre fent Majesty's Reign, at London aforelaid in the Parish and Ward aforesaid, for ano ther true and just Debt, by a certain other Writing Obligatory fealed with his Seal bearing Date the same Day and Year last above mentioned, acknowledged himsel to be bound to one Duncan Campbell, Gen tleman, in three thousand Pounds like lay ful Money to be paid to the faid Duncan when he should be thereunto afterward Sets forth the requested, with a Condition there-unde

Condition,

written for Payment of one thousand an five hundred Pounds like lawful Mone to be made by the faid Humphry to the fai Duncan, upon or before the first Day of Ma then next ensuing, with lawful Interest if

and the real the same; which said 1500 l. together wil Debt. the Interest thereof from the 25th Day September in the Year of our Lord 1731.we justly and truly due to the faid Duncan fro by ich

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ne said Humpbry at the Time of his Death, nd still ramain unpaid, and the faid Wriing Obligatory last above mentioned still emains in its full Force and Effect no rays annulled, cancelled, or fatisfied: And Pleads Artihe faid Catherine further fays, that cles entered y certain Articles indented on the first into by Tefta-Day of August in the Year of our Lord Master of one nd Ward aforesaid, made between the said Jumpby Morice in his Life-time, by the Name of Humpbry Morice of London, Efq; wner of the good Ship or Veffel called he Martha Galley, and of the Cargo of Goods shipped on board her, of the one art, and one William Hurst, by the Name f William Hurst of Tooly-street in South-ark, Mariner, Commander and Supraargo of the faid Ship, and one Nebemiab belding, Chief Mate of the faid Ship, of be other Part, sealed with the Seal of he faid Humphry Morice, the Date wherefis on the same Day and Year, reciting, that whereas the faid William was then ound out in the faid Ship as Commander hereof, and Supra-Cargo of all the Goods nd Merchandize loaden on board in a trtain Voyage from London to the Coast Africa, and from thence to the Westidies, Spanish West-Indies, and back to ondon, as the faid Humpbry Morice, his orrespondents or Assigns should order addirect; which said Cargo of Goods nd Merchandize were by Invoice and Bill Loading configned to the faid William Hurst

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Hurst for Sale, and for purchasing and making Returns of the Product thereof from the Coast of Africa aforesaid, in Negroes, Gold, Elephant's Teeth, and fuch other Goods and Merchandize as the Coast of Africa should afford; and which are expressed in the Orders given by the faid Humpbry Morice to the faid William Hurst: And further reciting, that whereas the faid Nebemiah Skelding was likewise bound out in the faid Ship on the faid Vov age, as chief Mate or next in Command to the faid William Hurst in commanding and navigating the faid Ship, and in affifting th faid William Hurst in disposing the fai outward Cargo, and making Returns for the fame in Manner in the faid Articles at terwards expressed, they the faid William Hurst and Nehemiah Skelding by the sai Articles, for themselves, their Executor and Administrators, jointly and feverall covenanted and agreed with the faid Hun phry Morice, his Executors, Administrato and Assigns, that they the said Willia Hurst and Nebemiah Skelding, or one them, should, and would at all Tim during the faid intended Voyage, to t utmost of their Power, Knowledge at Skill, endeavour to promote the Interand Advantage of the faid Humphry Mori and also should and would, not only d ring the faid Voyage, keep an exact a true and Account to be fairly written a entered in the Book which the faid Hm pbry had provided and delivered to the

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for that Purpole, of all their Buyings, bellings, Barterings and Dealings, and of all other Transactions which should be daily transcribed on Account of the faid Ship and Cargo, but also, at the Return of the faid Ship into the River of Thames from the faid Voyage, deliver or cause to be delivered up to the faid Humpbry Morice or his Affigns, the faid Book and the Accounts fairly written and entered as aforeaid: And further, that they the faid William Hurst and Nebemiah Skelding, or one of them, should not only load the ship, and carry on board the faid Ship to he Island of Famaica, and there deliver to the faid Humpbry Morice, his Correpondents, Factors or Affigns, (the Daners of the Seas and Mortality excepted) Ill fuch Negroes as should be purchased by elling or bartering the faid Cargo, or any Part thereof; and also confign such Part, nd fo much of the Gold, Elephants Teeth, and other Goods and Merchanizes as fhould be purchased by selling or artering the faid Cargo, or any Part hereof, on board fuch Ship or Ships, Vefelor Vessels, as they should be directed r permitted by Orders to be figned by he said Humphry Morice, or his Assigns, nd should and would bring home to Lonon on board the faid Ship called the Marha Galley, and confign to the faid Humbry Morice all fuch and fo much of the fold, Elephants Teeth, or other Goods nd Merchandize as should be purchased Vol. II. by

by felling the faid outward Cargo, or o. therwise which should not by the Order of the faid Humpbry Morice either be loaden on board any other Ship, or delivered to the Correspondents of the faid Humpbry Morice at the Island of Famaica aforesaid: And further, that he the said William Hurst should and would sign Bills of Loading for all fuch Goods as should be loaden on board the faid Ship called the Martha Galley, and should and would with what other Bills of Loading as should be figned for fuch Commodities as should be shipped on board any other Vessel of Ship by Order as aforefaid, fend and for ward the fame by the first Opportunity unto the faid Humpbry Morice or his Al figns, and should and would, upon the faid Ship's Arrival at London, deliver unto the faid Humpbry Morice or his Assigns, a fuch Gold, Elephants Teeth, and other Goods and Merchandizes as should be loaded on board the faid Ship called th Martha Galley, and not delivered at the Island of Jamaica aforesaid (the Dange of the Seas and Restraint of Princes an Rulers in and during the faid Voyage en cepted): And further, that they the fai William Hurst and Nebemiah Skeldin should not, nor would export, carry or pe mit, or fuffer to be carried by any other Pe fon or Persons whatsoever, in the said Sh any other Goods, Commodities or Me chandizes whatfoever for Sale, Barter Traffick on the Coast of Africa, other th

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the Cargo of Goods in the fame Articles before mentioned to be shipped on Account of the faid Humpbry Morice (except fuch Adventures as the faid Humpbry Morice should under his Hand in Writing allow them the faid William Hurst and Nebemiah Skelding, as in the faid Articles was afterwards mentioned); but should and would, from Time to Time, and at all Times in and during the faid Voyage, observe and keep all fuch Orders, Directions and Infructions touching or relating to the faid Ship and Cargo as should from Time to Time be given to them or either of them. by the faid Humphry Morice or his Affigns: And the faid Humpbry Morice for himself, his Executors and Administrators, did covenant and agree to and with William Harft, his Executors, Administrators and Affigns by the faid Articles, that he the faid Humphry Morice, his Executors, Administrators or Assigns, should and would give or allow to the faid William Hurst four Negroes out of every hundred and four as the faid William Hurst should purchase on the Coast of Africa, and deliver alive unto the faid Humphry Morice or his Affigns at the Island of Jamaica aforelaid, in full Satisfaction for purchasing the same; and also should and would, within forty Days next after the Arrival of the faid Ship called the Martha Galley at London, well and truly pay, or cause to be paid unto the faid William Hurst, his Executors, Administrators or Assigns, in full

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full of all Wages and all Privileges what. foever, the Sum of fix Pounds Sterling per Month for every Calendar Calendar Month which should become due unto him according to the Law, Custom and Usage among Merchants in the like Vov. ages, and fo in Proportion for a leffer Time than a Month, and the Liberty of carrying four Negroes in the faid Ship from the Coast of Africa to the Island of 7a. maica on his Account Freight-free: And further, that he the faid Humpbry Morice, his Executors, Administrators or Assigns, should and would, within forty Days next after the Sale and Disposal of such homeward Cargo as should be brought to London, well and truly pay or cause to be paid unto the faid William Hurst, his Executors, Administrators or Assigns, for his Commission and Factorage thereof, five Pounds Sterling per Centum to be reckoned on the net Proceeds of all Gold, Elephants Teeth, and other Goods and Commodities as should be returned to London for fuch Part of the outward Cargo as should by the Books of Accounts kept by the faid William Hurst and Nebemiah Skelding appear to be purchased during the Life-time of the said William Hurst, Custom and other incident Charges on Account of the faid Goods (Freight excepted) being first thereout deducted: And further, that he the faid William Hurst should have Liberty on his own Account, and not otherwise to carry in the faid Ship the faid Voyage

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any Adventure whatfoever as the faid Humpbry Morice should allow him as aforefaid; any thing in the faid Articles contained to the contrary notwithstanding: And for the true Performance of every With a Penalthing in the faid last mentioned Articles ty of 500 1. contained on the Part of the faid Humphry Morice, to be paid, done and performed, the faid Humpry Morice by the fame Articles bound himself, his Executors and Administrators, unto the faid William Hurst and Nebemiah Skelding, and every of them, their Executors, Administrators and Affigns, and every of them in the penal Sum of 500 1. Sterling : And the faid That Testator Catherine further fays, that the faid Wil- has not perham Hurst and Nebemiah Skelding, after ticles. the Making the faid Articles, to wit, on the said first Day of August in the Year of our Lord 1727 aforesaid, set Sail in the laid Ship called the Martha Galley, and failed from London aforesaid, to the Coast of Africa aforesaid and from thence to the faid West-Indies, and Spanish West-Indies aforesaid, on the said Voyage; and ferwards, to wit, on the tenth Day of Sept. in the Year of our Lord 1728. on the aid Voyage came back and fafely arrived n the faid Ship to London aforefaid, in the Parish and Ward aforesaid: And the said Villiam Hurst afterwards died there, and hat the faid Humphry Morice in his Lifeme did not pay or cause to be paid the faid William Hurst in his Life-time, to Susanna Hurst, Widow, Executrix

What due thereon.

of the Testament and last Will of the said William after his Death, or to Sarah Wes. ton, Widow, Executrix of the Testament and last Will of the faid Sufanna, after the Death of the faid Sufanna, within forty Days after the Arrival of the faid Ship at London aforefaid, or at any Time afterwards, the faid Sum of fix Pounds Sterling per Calendar Month, for thirteen Calendar Months, due and payable by the faid Humpbry Morice in his Life-time to the faid William Hurst and his Executors, in full of the Wages and Privileges of him the faid William Hurst in the faid Voyage, according to the Law, Usage and Cuftom of Merchants in the like Voyages, or any Part thereof, which he ought to have done according to the Form and Effect of the faid Covenant of the faid Humphry in that Behalf made; but all that Money still remains due and unpaid to the faid Executrix of the faid William Hurst: And the faid Catherine further fays, that afterwards, to wit, on the same Day and Year last mentioned, there were brought to London aforefaid, to wit, in the Parish and Ward aforesaid, and then and there de livered to the faid Humphry in his Life time of the faid homeward Cargo in the faid Articles mentioned, 101 Ounces, 14 Pennyweight of Gold, and four Hun dred, three Quarters of a Hundred, and eleven Pounds Weight of Elephants Teeth which faid Gold and Elephants Teeth wer

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were returned to London aforesaid by the faid William Hurst in his Life-time for fuch Part of the faid homeward Cargo as was purchased, and by the Books of Account kept by the faid William Hurst and Nehemiah Skelding appeared to have been purchased in the Life-time of the said William Hurst: And that afterwards, to wit, on the same Day and Year last aforefaid, at London aforesaid, in the Parish and Ward aforesaid, the said Gold and Teeth were fold and disposed of by the faid Humphry Morice in his Life-time, and that the faid Humpbry Morice in his Lifetime did not pay or cause to be paid to the faid William Hurst in his Life-time, or to the faid Susanna and Sarah Executrixes aforefaid, or to either of them after his Death, within forty Days next after the Sale and Disposal thereof, or at any Time afterwards, the Sum of 21 1. 6 s. due and payable by the faid Humphry in What due his Life-time to the faid William Hurst thereon. and his Executrixes, for the Commission and Factorage of the faid William Hurst according to the Rate of 5 l. per Cent. on the net Proceeds of the said Gold and Teeth, Custom and other incident Charges (Freight excepted) being thereout first deducted, or any Part thereof, which he ought to have done according to the Form and Effect of his faid Covenant in that Behalf made; but the whole Money aft mentioned is still due and unpaid, S 4 and

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Articles in Force.

Penalty unpaid.

Pleads a Judgment recovered against Her as Executrix by change drawn on and accepted by Testator.

The Attorney's Practice

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and the faid Articles still remain in their full Force and Effect no ways annulled. cancelled, or any ways fatisfied; and the faid 500 1. in the faid Articles mentioned still remains not at all paid or fatisfied. The Defendant in like Manner pleads leveral other like Articles, and then goes on and the faid Catherine further fays, that one Facob Munickoven on the 6th Day of November New Stile (being the 26th Day of Oct. Old Stile,) in the Year of our the Indorsee Lord 1731. residing at Amsterdam in of a foreign Parts beyond the Seas, and using Com-Bill of Ex merce then and there according to the merce then and there, according to the Usage and Custom of Merchants, made his certain Bill of Exchange bearing Date the fame Day and Year, the proper Hand of the faid Facob being thereto subscribed, and directed the faid Bill to the faid Humphry in his Life-time then refiding at London aforesaid, in the Parish and Ward aforefaid, and using Commerce, and by the faid Bill required the faid Humphry at two Usances and eight Days to pay that his first of Exchange to Mr. 70hn Shuckforth, or Order, 1987 1. 10 s. Sterling, for Value received of the faid John Shuckforth, and to place the same to Account, as by Advice from him the faid 7acob; and the faid Humpbry, afterwards in his Life-time, to wit, on the 10th Day of November in the Year of our Lord 1731. Old Stile, at London aforesaid, in the Parish and Ward aforesaid, had Sight of the faid Bill, and then and there, according r

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to the Usage and Custom of Merchants, accepted the faid Bill, to pay the faid Money in the faid Bill contained, according to the Tenor of the faid Bill, which faid two Usances and eight Days, according to the Usage and Custom of Merchants at the faid Time of making the faid Bill, and also from the Time to the Contrary whereof the Memory of Man is not, have been and still are two Calendar Months and eight Days, to wit, at London, aforesaid in the Parish and Ward aforesaid; and afterwards in the Life-time of the faid Humphry, to wit, on the 12th Day of November in the faid Year of our Lord 1731. Old Stile, at London aforesaid in the Parish and Ward aforefaid, the faid John Shuckforth by his Indorsement, his proper Hand being thereunto subscribed, made upon the faid Bill according to the Usage and Cufrom of Merchants, appointed the Contents of the faid Bill to be paid to one John Maynard, or Order, whereof the faid Humphry afterwards in his Life-time, to wit, on the same Day and Year last abovesaid, at London aforesaid in the Parith and Ward aforesaid, had Notice; and by reason thereof the faid Humphry in his Life-time, according to the Usage and Custom of Merchants, became liable to pay to the faid John Maynard the faid Sum of Money in the faid Bill contained, according to the Tenor of the faid Bill and Indorfement; and being so liable the said Humphry afterwards in his Life-time, to wit, on the fame Day

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Day and Year last abovefaid, at London a. foresaid, in the Parish and Ward aforesaid, in Confideration thereof undertook and then and there faithfully promifed the faid 7obn Maynard to pay him the faid Sum of Mo. ney according to the Tenor of the Bill and Indorsement aforesaid, which said 19871. 10 s. at the Time of the Death of the faid Humpbry, were by the faid Humpbry truly and justly due and unpaid to the faid John Maynard; and the faid Money is still unpaid to him; And that the aforefaid 70hn Maynard after the Death of the faid Humphry for recovering his Damages which he had fustained by Occasion of the not paying the faid Money, to wit, in this same Term of St. Hilary in the Fifth Year of his present Majesty's Reign, impleaded the faid Catherine as Executrix of the Testament of the said Humpbry, in the Court of our faid Lord the King, before the King himself, the faid Court then and now being at Westminster in the said County of Middlesex, by Bill without Writin a certain Plea of Trespass upon the Case, upon undertaking upon the faid Bill of Exchange, to the Damage of the faid John Maynard of 2000 l. and it was in fuch Manner thereupon proceeded in the faid Court of our faid Lord the King before the King himself at Westminster, that he the faid John Maynard afterwards, to wit, in this same Term of St. Hilary in the fifth Year aforesaid, in the said Court of our faid Lord the King before the King him-

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felf at Westminster aforesaid, by the Confideration of the faid Court, recovered against the said Catherine 1992 1. 10 s. for his Damages which he had fustained as well by Occasion of the not performing the faid Promise and Undertaking, as for his Costs and Charges by him about his Suit in that Behalf expended, to be levied of the Goods and Chattels which were of the faid Humpbry at the Time of his Death in the Hands of the faid Catherine to be administered, if she had so much in her Hands; and if she had not somuch, then 100 s. of the said Damages for the Costs and Charges aforesaid to be levied of the proper Goods and Chattels of the faid Catherine, whereof the faid Catherine was convicted, as by the Record and Proceedings thereupon remaining in the faid Court of our faid Lord the King before the King himself at Westminster aforesaid more fully appears; which said Judgment in Judgment still remains in its full Force and Force. Effect no ways reverfed, annulled or any ways satisfied, and the said Money by the faid Judgment recovered is still due and unpaid: And the faid Catherine further Conclusion of lays, that the has fully administered all the the Please Goods and Chattels which were of the said Humphry at the Time of his Death in her Hands to be administered, except Goods and Chattels to the Value of 1000 L. and that she the said Catherine has not, nor on the Day of exhibiting the faid Bill of the aid Governor and Company, nor at any Time

Time afterwards had, any Goods or Chat. tels which were of the faid Humphry at the Time of his Death, in the Hands of her the faid Catherine to be administred, ex. cept the Goods and Chattels aforefaid, to the faid Value of 1000 l. which are liable to and charged with the Payment and Satisfac. tion of the faid feveral Sums due and payable by the feveral Writings Obligatory, Articles and Judgment aforefaid: And this she is ready to verify; wherefore she prays Judgment if the faid Governor and Company ought to have or maintain their faid Action against her, &c.

Replication.

and the faid Governor and Company fay, that they by any thing above alledged ought not to be barred from having their faid Action, because they fay, that the faid Catherine on the Day of exhibiting the faid Bill of the faid Governor and Company, had divers Goods and Chattels which were of the faid Humpbry at the Time of his Death in her Hands to be administred, over and above Goods and Chattels fufficient to fatisfy the faid feveral Sums due and payable by the feveral Writings Obligatory, Articles and Judgment aforesaid, wherewith the faid Catherine could have fatisfied the faid Governor and Company their faid Damages aforefaid, to wit, at London aforesaid in the Parish and Ward aforesaid: And this they pray may be inquired of by the Country; and the faid Catherine likeand upon this the faid Governor wife.

Mue. Sheriffs challenged.

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and Company fay, That Thomas Pindar, Esq; in his own proper Right, has Right, Title and Interest to Part and Share of the Principal Stock of the faid Governor and Company, to the Value of 1500 1. and now is a true Proprietor of the faid Stock, and that the faid Thomas Pindar is, and for the Space of three Months last past has been, one of the Members of the faid Company; and that Samuel Ruffel, Efq: in his own proper Right, has Right, Title and Interest to Part and Share of the principal Stock of the faid Governor and Company, to the Value of 1000 l. and now is a true Proprietor of the faid Stock. and that the faid Samuel Ruffel is, and for the Space of three Months last past has been. one of the Members of the faid Company; and that the faid Thomas Pindar and Samuel Ruffel now are and for the Space of four Months last past have been Sheriffs of London aforefaid: And this they are ready to verify; and for that Cause the said Governor and Company pray the Writ of Venire to the our faid Lord the King to cause to come Coroner prayed here Twelve, &c. to try the faid Iffice joined and granted. between the faid Parties, to be directed to the Coroners of the City of London aforefaid; and because the said Catherine does not deny, but acknowledges the faid Allegation of the aid Governor and Company, it is granted to hem. Therefore let a Jury thereupon come before our Lord the King at Westminster on Venire faci-Saturday next after the Octave of the Pu- ". ification of the Bleffed Virgin Mary, and

who

The Attorney's Practice

who are in no wife of Kin either to the faid Governor and Company, or to the faid Catherine, to take Cognizance upon their Oaths of the whole Truth of the Premisses; because as well the said Cathe. rine, as the faid Covernor and Company, have put themselves upon that Jury. The fame Day is given to the Parties aforesaid at the fame Place : at which Day before our Lord the King at Westminster came the Parties aforesaid by their Attornies aforesaid; and the Coroner of London did not return the faid Writ, nor did he do any thing thereupon: Therefoze let a Jury thereupon, as before, come, before our Lord the King at Westminster on Wednesday next after fifteen Days from the Day of Easter, and who are in no wife of Kin either to the faid Governor and Company or to the faid Catherine, to take Cognizance upon their Oaths of the whole Truth of the Premisses; because as well the said Catherine as the faid Governor and Company have put themselves upon that Jury The fame Day is given to the Parties a foresaid at the same Place : At which Day before our Lord the King at Westminster came the Parties aforesaid by their At tornies aforesaid; and the Coroner of Lot don did not return the faid Writ, nor die he do any thing thereupon: Therefor &c. (the Venire facias was continued in th fame Manner by Coronator non misit breve to Trinity Term 1734.) Afterwards th Process being continued between the Par

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ties aforesaid of the Plea aforesaid, by the Jury being respited between them before our Lord the King at Westminster until Wednesday next after three Weeks from the Day of St. Michael then next following, unless the King's Right trusty and Well beloved Philip Lord Hardwicke, his Chief Justice assigned to hold Pleas before the King himself, shall first come on Friday the 5th Day of July at the Guildhall of the City of London, according to the Form of the Statute in fuch Case made and provided, for Default of the Jurors, because none of them did appear: At which Day before our Lord the King at Westminster the aforesaid Governor and Company come by the aforesaid their Attorney aforesaid; and the aforesaid Chief Justice, before whom the faid Issue was tried, fent thither his Record had in these Words, Afterwards, that is to fay, on the Day Postes. and at the Place within contained, before Philip Lord Hardwicke, the Chief Justice within written, Carleton Haywood, Gent. being affociated unto the faid Chief Justice by Force of the Statute in that Case made and provided, came as well the withinnamed Governor and Company of the Bank of England by their Attorney within contained, as the within-named Catherine Morice by her Attorney within named; and the Jurors of that Jury having been fummoned likewise come, to wit, Solomon Merritt, Richard Bodiwate, James Randall, 7obn

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Special Ver-

Fobn Allen, John Aston, Gilbert Malcher, Fames Lock, Benjamin Bond, Humpbry Duncalf, Slingsby Bethell, Philip Smith and Fohn Le Quesne, who being chosen, tried and fworn to declare the Truth of the If. fue within contained, upon their Oath fay, That Humphry Morice within mentioned was at the Time of his Death, which happened on the 16th Day of November which was in the Year of our Lord 1731. indebted to the Plaintiffs the faid Governor and Company of the Bank of Eng. land, in the Sum of 28993 1. 8 s. 1 d. for To much Money by the faid Humphry Morrice in his Life-time had and received to the Use of the said Plaintiffs; and the said Jurors upon their Oath further fay, that the Money due at the Death of the faid Humphry Morice for principal Money and Interest of the Sums mentioned in the feveral Conditions of the within mentioned Bond from Humphry Morice to Sir William Morice, Bart. and on the within-mentioned Bonds to Thomas Wilson and Duncan Campbell, Efgrs. together with the fevera penal Sums of all the other Specialtic within pleaded, and the Money recovered by the Judgment within pleaded, amoun together to the Sum of 221821. 101 which faid Sum of 22182 1. 10 s. or an Part thereof, was not paid at the Time of Pleading the within contained Plea of the faid Defendant, but then remained du and unsatisfied, and that the Defendan Catherine Morice, at the Day of exhibiting

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the faid Plaintiff's Bill against her withinmentioned, had Assets in her Hands of the faid Humphry Morice to the Value of 41152 l. 2 s. 5 d. and the faid Jurors upon their Oath further fay, that on the aforefaid Day of the Death of the faid Humphry Morice there was justly due and owing from him to the faid Sir William Morrice, of the Sum payable by the Condition of his Bond within mentioned, and for all Interest due by the faid Condition, the Sum of 65301. and that there was due to the faid Thomas Wilfon from the faid Humpbry Morice on the faid Day of his Death, for the principal Sum mentioned in the Condition of his Bond, and for all Interest thereof, the Sum of 2520 1. and that there was due to the aid Duncan Campbell from the faid Humbry Morice on the aforesaid Day of his Death, for the principal Sum mentioned n the Condition of his Bond, and for all interest thereof, the Sum of 1540 l. as the aid Catherine Morice has alledged in the Plea within mentioned: And the faid Juors upon their Oath further fay, that on he Day of exhibiting the faid Plaintiff's Bill against the said Catherine Morice, she he said Catherine had not in her Hands Asets of the said Humphry Morice sufficient to ischarge the Penalties of the within menoned three Bonds to Sir William Morice, bonias Wilson, and Duncan Campbell, and at the faid Penalties or any of them were ot then paid, nor discharged nor satisd: And the faid Jurors upon their Oath VOL. II.

further fay, that deducting the above. mentioned Sum of 22182 l. 10 s. out of the faid Sum of 41132 1. 2 s. 5 d. there re. mained in the Hands of the faid Catherine Morice, on the Day of exhibiting the Plaintiffs faid Bill against her, the Sum of 18969 1. 12 s. 5 d. Assets of the said Hum. phry Morice, liable to fatisfy the aforesaid Debt of 28993 1. 8 s. 1 d. found due to the Plaintiffs as aforefald, if the penal Sums in the aforesaid three Bonds to Sir William Morice, Thomas Wilfon and Duncan Campbell, ought not in this Case to be allowed as Charges upon the Affets of the faid Humphry Morice; but whether the faid three penal Sums ought to be allowed in this Cafe as Charges upon the faid Affets or not, the faid Jurors know not; and thereupon they pray the Advice of the Court here in the Premisses, if upon the whole Matter aforesaid it shall appear to the Court, that the faid three penal Sums ought not in this Cafe to be allowed as Charges upon the faid Affets, then the faid Jurors upon their Oath fay, that a to the 32d Promise laid in the Plaintiff Declaration within mentioned, the within mentioned Humpbry Morice was indebted in his Life-time and on the Day of hi Death to the Plaintiffs the Governor and Company of the Bank of England in the faid Sum of 28993 1. 8 s. 1 d. being Mg ney had and received by the faid Humph Morice to the Use of the faid Plainting of our and affels their Damages upon the afor

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faid 32d Promise at 28993 1. 8 s. I d. and 40 s. for Costs; And further say, that in fuch Case the within mentioned Catherine Morice had, on the Day of exhibiting the Plaintiffs Bill aforesaid, Affets in her Hands of the faid Humphry Morice liable to the Demands of the faid Plaintiffs to the Value of 18969 l. 12 s. 5 d. and as to all the other Promisses mentioned in the Plaintiffs Declaration aforefaid, they fav. that the faid Humphry Morice did not make fuch other Promises as therein mentioned, as the faid Catherine Morice has by pleading alledged. But if upon the whole Matter found, it shall appear to the said Court that the penal Sums in the faid three Bonds ought in this Case to be allowed as Charges upon the faid Affets, then the faid Jurors fay, that the within mentioned Catherine Morice had not, on the Day of exhibiting the faid Plaintiffs Bill against her, any Afsets of the said Humphry Morice in her Hands liable to the Demand of the faid Plaintiffs, as she the said Catherine hath by her Plea within alledged in her Defence: and because the Court of our said Lord Curia advithe King now here is not yet advised fare Vult, that Judgment to give of and concerning he Premisses, a Day is given to the said Parties that they be before the Lord the ling at Westminster on Thursday next after he Octave of St. Hilary, to hear their udgment thereon, because the said Court f our faid Lord the King now here is not et advised thereof.

T 2 Wednesday

Wednesday next after the Octave of the Purification of the Virgin Mary in the 9th Year of King George the Second.

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Rule for Judgment on the Special Verdict.

TT is Ordered that Judgment be entered I for the Plaintiffs, and the Court being of Opinion, that the penal Sums in the two Bonds to Thomas Wilson and Duncan Camp. bell in the Pleadings in this Caufe mentioned ought to be allowed as Charges upon the Affets of Humphry Morice the Defendant's Testator, and the penal Sum in the Bond to Sir William Morice in the faid Pleadings also mentioned ought not to be fo allowed, but that only the principal Sum of five thousand Pounds payable of the twenty-fourth Day of June one thoufand feven hundred and thirty-two, and the farther Sum of one thousand five hun dred Pounds payable on the twenty-fourt Day of June One thousand seven hundre and thirty-three, mentioned in the Con dition of the faid Bond to Sir William M rice, with all Interest for the two last men tioned Sums from the twenty-fourth Da of June One thousand seven hundred an thirty-one to the respective Days of Pay ment thereof, ought in this Case be allowed as Charges upon the A fets of the faid Humphry Morice, by the Affent of the faid Plaintiffs, the Sum four thousand three hundred and to Poun

Pounds being deducted out of the Sum of eighteen thousand nine hundred and fixtynine Pounds twelve Shillings and Fivepence in the said Pleadings also mentioned. It is further ordered, that Judgment be entered for fourteen thousand fix hundred and fifty-nine Pounds twelve Shillings and Five-pence, Affets of the faid Humpbry Morice, in the Hands of the faid Defendant. Upon the Motion of Mr. Strange.

By the Court.

Michaelmas Term in the Year of, &c.

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London, William Halford complains of For Words to wit, Samuel Flower, in the Custody spoke of a l Samuel Flower, in the Custody Spoke of a Dyer of the Marshal of the Marshalsea of our in the Way of Lord the King, before the King himself, his Trade. for that, to wit, that whereas the faid William Halford is a good, true, faithful, redible and honest Subject and Leigeman Con of our faid Lord the now King, and has now his Birth hitherto behaved and carmen fied himself as a good, true, faithful and Da nonest Subject; and whereas the said Wilpace of feveral Years last past has used fe i and exercised, the Art or Mystery of a yer, and now is, and for divers Years last y the aft has been a Freeman of the City of um condon, and the said Art and Mystery in d to uying, felling, bargaining, working, la-T 3 bouring

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bouring and other fuch-like Things belonging to the faid Art or Mystery of a Dyer, with Divers Subjects of our faid Lord the King, as well within the faid City as elsewhere within the Kingdom of Great Britain, for the whole Time aforefaid has used and exercised, and still exercises without any Falsity, Fraud, Theft, Felony or other noxious Crime. Stain or Question or Suspicion whatso. ever, and has behaved himself honestly and justly in all his Affairs, Contracts and Businesses, and obtained and got great Gain and Profit by the Way of buying, felling, bargaining, working, and labouring in the faid Art or Mystery of a Dyer, to the handsome Maintenance of the faid William Halford and his Family, and very great Increase of his Riches; yet the said Samuel not being ignorant of the Premisfes, but greatly envying the faid happy State of the faid William Halford, and contriving and most wickedly intending intirely to deprive the faid William Halford of his good Name, Fame, Credit and Re putation, and also to bring him into an il Name, Fame, Discredit and extreme Dis pleasure among his Neighbours and other Subjects of our faid Lord the present King by whom the faid William Halford is known and to damage him in his Bufiness, on the feventh Day of July in Year of th Reign of our faid Lord the present King at London aforefaid, to wit, in the Paril of St. Mary le Bow in the Ward of Cheat havin

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having Discourse with divers Subjects of our faid Lord the prefent King, concerning the faid William Halford and his Art or Mystery aforesaid, openly said, and with a loud Voice pronounced of the faid Wilham Halford, in the Presence and Hearing of divers Subjects of our Lord the present King, certain false, feigned, scandalous, Verba puropprobrious and defamatory Words, pur-portantia. porting, that the faid William Halford used to defraud them, who intrusted him with their Goods to be dyed in his said Art of a Dyer, of fuch their Goods, and converted the same to his own proper Use: And also whereas the said Samuel, of his further Malice, on the same Day and Year at London aforesaid in the Parish and Ward aforefaid, having Discourse with divers Subjects of our faid Lord the present King concerning the faid William Halford and his faid Art and Mystery, openly in the Presence and Hearing of the said several Subjects of our faid Lord the prefent King said of the said William Halford, that the faid William used to defraud those, who intrusted him with their Goods to be dyed in his faid Art of a Dyer, of such their Goods, and convert the same whis own proper Use: And also whereas one William Henley had intrusted the faid William Halford with two Pieces of Shalloon to be died by the faid William Halford in his said Art of a Dyer, the said Samuel of his further Malice, on the same Day and Year, at London aforesaid in the Parifh

The Attorney's Practice

Verba purportantia. rish and Ward aforesaid, having Converfation of the faid William Halford, spoke of the faid William Halford, in the Presence and Hearing of divers Subjects of our faid Lord the present King, other false, scandalous and opprobrious Words, purporting that the faid William Halford had taken off the Seals from the faid two Pieces of Shalloon with Intent to defraud the faid William Henley, and that the faid Wil. liam, after the faid two Pieces were died, fold the same to one Mr. Saunders for his the faid William Halford's own Use: and alfo whereas the faid William Henly had intrusted the faid William Halford with two other Pieces of Shalloon to be dyed by the faid Halford in his faid Art of a Dyer, the faid Samuel of his further Malice, on the same Day and Year, at London aforefaid in the Parish and Ward aforesaid, having Difcourfe concerning the faid William Halford, openly in the Presence and Hearing of divers Subjects of our faid Lord the present King, said of the said William Halford, that the faid William Halford had taken off the Seals from the faid two Pieces of Shalloon with Intent to defraud the faid William Henly, and that the faid William Halford after the faid two Pieces were dyed fold the same to one Mr. Saunders for his the faid William Halford own Use: And whereas one John Bare block had intrusted the faid William Hal ford with one Piece of Shalloon to be dyed by the faid William Halford in his faid Ar

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of a Dyer, the faid Samuel afterwards of his further Malice, on the same Day and Year, at London aforesaid in the Parish and Ward aforefaid, having Discourse concerning the faid William Halford, in the Prefence and hearing of divers Subjects of our faid Lord the present King, said certain other false, scandalous and opprobrious Words of the faid William Halford, pur- Verba purporting that the faid William Halford had portantia. taken the faid Piece of Shalloon of the faid John Bareblock, and had died it black, and had given it to his Taylor to be fold for his the faid William Halford's Benefit, and had defrauded the Owner (meaning the faid John Bareblock) thereof: And also whereas the faid Bareblock had intrusted the said William Halford with one other Piece of Shalloon to be dyed by the faid William Halford in his faid Art of a Dyer; the faid Samuel afterwards of his further Malice, on the same Day and Year, at London aforesaid in the Parish and Ward aforesaid, having Discourse concerning the faid Wilham Halford in the Presence and Hearing of divers Subjects of our faid Lord the present King, said of the said William Halford, that the faid William Halford had taken the said Piece of Shalloon of the said John Bareblock's, and had dyed it black, and had given it to his Taylor to be fold for his the said William Halford's Benefit, and had defrauded the Owner (meaning the said John Bareblock) thereof: By Mans of the speaking and publishing of which

The Attorney's Practice

which said several false, seigned, scandalous and defamatory Words, the said William Halford is very much hurt, scandalized and injured in his good Name, Fame, Credit, Reputation, and in his said Business: And the said William Halford has thereby lost divers Sums of Money and great Prosit, and is very much hindered in transacting his lawful Business: Therefore the said William says he is injured, and has Damage to the Value of two hundred Pounds: And thereupon he brings Suit, &c.

Pledges, &c.

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Hilary Term in the Thirteenth Year of the Reign of King George the Second.

Cooke.

C. B. Declaration for Words.

Kent, W. M. late of C. in the faid County to wit, was attached to answer to F.R. in a Plea of Trespass on the Case, & and whereupon the said Francis by his Attorney complains, that inserted he the said Francis is a good, true, pious, faith ful and honest Subject of this Kingdom and as a good, true, pious, faithful and honest Subject of this Kingdom hath his therto demeaned and behaved himsel and as a good, true, pious, faithful and honest Subject of this Kingdom from the Time of his Nativity until the speaking utteria

in the Court of King's Bench.

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uttering and publishing of the scandalous, false, malicious and defamatory Words first herein after mentioned to be spoken of the faid Francis, was reputed and fleemed among all faithful and honest Subjects of this Kingdom with whom he dealt and conversed, and to whom he was known, and never was guilty of Theft, Robbery, Fraud, or any such hurtful and dious Crimes, nor until the speaking, utering and publishing of the false, scandaous, malicious and defamatory Words herein after first mentioned of the faid Francis, was ever suspected to be guilty of those Crimes or any of them; And the aid Francis, by Reason of his good Name, fame and Reputation aforesaid, had obained the Love and Good-will of all his Neighbours and other faithful and honest Subjects of this Kingdom with whom he conersed and had Dealings: Devertheless ethe faid William well knowing the Prenisses, but contriving and maliciously and rickedly intending to injure, defame and lander the faid Francis, and to deprive him f his good Name, Fame, Credit and Reutation aforefaid, and bring him into Scanal, Contempt and Reproach, as well anong all his Neighbours, and Friends, as ther faithful and honest Subjects of this ingdom and to cause him to be punished ccording to the Laws of this Kingdom, hade and provided against Thest, Robery, Felony and Fraud, on ighteenth Day of March in the Year of

The Attorney's Practice

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of our Lord One thousand seven hundred and thirty-eight at Chatham afore. faid, in a certain Discourse which the faid William then and there had with divers Subjects of this Kingdom of and concerning the faid Francis, did falfely, wickedly and maliciously speak, utter and publish of and concerning the faid Francis, in the Presence and Hearing of those Subjects, certain false, scandalous, malicious and defamatory Words, to wit, He (meaning the faid Francis) is an old Rogue and bas robbed me (meaning him the faid William): And the faid William of his further Malice prepented against the faid Francis afterwards, to wit, on the same Day and Year, at Chatham aforefaid, in a certain other Discourse which the said William then and there had with diver other Subjects of this Kingdom of and concerning the faid Francis, did fallely wickedly and maliciously, and without any reasonable or probable Cause whatso ever, publish and declare in the Presence and Hearing of those Subjects, that the faid Francis had robbed him; by Reason of the speaking, uttering and publishing which said several false, scandalous, mali-cious and defamatory Words so spoken uttered and published by the faid William of the faid Francis as aforesaid, and o the publishing of the faid Slander, he the Day a faid Francis is greatly hurt, injured, protestain iam th judiced and damnified in his good Name an ubje& Fame, Credit and Reputation: wherea

in the Court of King's Bench.

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thereas he the faid Francis now is, and or divers Years now last past has been, Servant of our Sovereign Lord the King, nd Foreman of the King's Yard at Chatam aforesaid, and has behaved himself vell and honestly in his faid Office: Neertheless the said William well knowing he Premisses, but contriving and malicionly intending to defame and injure the aid Francis, and to deprive him of his faid Office, whilst he the said Francis was in his aid Office of Foreman of the King's Yard at Chatham aforesaid, to wit, on the Day and lear aforesaid, at Chatham aforesaid, in a ertain Discourse which the said William hen and there had with divers Subjects of his Kingdom of and concerning the faid rancis, did fallely, wickedly and malicioully speak, utter and publish of and conterning the faid Francis and his Bahaviour the Execution of his faid Office in the resence and Hearing of those Subjects, ertain false, scandalous, malicious and deamatory Words, to wit, that his Master d. (meaning and pointing at the faid rancis) that old Villain and Rascal, tho is a good-for-nothing old Rascal, nd not fit to be employed in the King's ervice: and the faid William of his furher Malice prepenfed against the said fancis afterwards, to wit, on the fame Day and Year at Chatham aforefaid, in a ertain other Discourse which the said Wiliam then and there had with divers other ubjects of this Kingdom of and concern-

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ing the faid Francis and his Behaviour in the Execution of his faid Office, did falfe ly, wickedly and maliciously speak, utter and publish of and concerning the faid Francis and his Behaviour in the Execution of his faid Office, in the Presence and Hearing of those Subjects, certain other false, scandalous, malicious and defamato ry Words, to wit, He (meaning the fail Francis) is a good-for-nothing old Rascal and not fit to be employed in the King's Service: and the faid William of his further Malice prepented against the faid Fran cis afterwards, to wit, on the fame Day and Year at Chatham aforefaid in a certain other Discourse, which the said William then and there had with divers other Subjects of this Kingdom, of and con cerning the faid Francis and his Behaviou in the Execution of his said Office, di falfely, wickedly and maliciously, an without any reasonable or probable Caul whatfoever, publish and declare in th Presence and Hearing of those Subject that the faid Francis cheated and defrau ed his Majesty in the Execution of his sa Office; whereas the faid Francis is no thereof guilty; by reason of the speaking uttering and publishing of which sa several false, scandalous, malicious an defamatory Words, thirdly and fourth above mentioned fo spoken, uttered at published by the faid William of the fa Francis, and of the publishing the sa Slander lastly above mentioned, he the injur

C. B. Bill a-

njured in his good Name, Fame and Reutation, to the Damage of the faid Franis of two Hundred Pounds: And therepon he brings Suit, &c.

And the faid William by T. H. his Attorrey comes and defends the Wrong and Injuy, when, &c. and faith that he is not guilty of the Premisses as the said Francis above n his Declaration hath alledged against him: And of this he puts himself upon he Country; and the faid Francis toes fo likewise: Therefore the Sheriff s commanded that he cause to come here, on the Octave of the Purification of the deffed Mary, twelve Good, &c. by whom, 30. and who neither, &c. to recognize, 3c. because as well, &c.

Hilary Term in the Fourteenth Year of King George the Second.

To the Justices of our Lord the King of the Bench.

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gainst an At-London, R Alph Beadnel, Gent. one of the torney of the to wit, Attorneys of the Court of our C. P. at the Suit of an Lord the King, before the King himself, Attorney of the of Bramstone Seawell, Gent. one of the causing Plain-Attorneys of the Court of the faid Lord rested contrary he King of the Bench here, present here to bis PriviaCourt in his own proper Person, in a Plea lege, &c. on the Trespass on the Case; For that where a Ca. ad re-Spondendum . da s as well by the King's Royal Dig- at the Defennity, dant's Suit.

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nity as by antient Custom, from Time whereof the Memory of Man is not to the contrary, all and fingular the Attorneys of the faid Court of the faid Lord the King before the King himself attending the fame Court, and profecuting and defending Suits therein for their Clients, have not nor ought to be fued or impleaded elsewhere than in the faid Court of the faid Lord the King before the King himfelf (Pleas of Freehold only excepted): And whereas he the faid Ralph now is, and for diverse Years now last past hath been, one of the Attorneys of the faid Court of the faid Lord the King before the King himself attending the said Court and profecuting and defending Suits therein for his Clients : Devertheless the faid Bramstone well knowing the Premisses, but contriving and maliciously intending to injure and oppress the said Ralph contrary to the faid Custom and his faid Privilege, whilst he the said Ralph was one of the Attorneys of the faid Court of the faid Lord the King before the King himfel as aforefaid, and whilft he the faid Bram stone was one of the Attorneys of the fair Court of the faid Lord the King of the Bench here, to wit, on the fourth Day o August in the fourteenth Year of the Reig of the faid Lord the King, did wrong fully and maliciously cause and procur the faid Ralph to be arrested and held t Special Bail in London aforesaid by the then Sheriffs of London aforesaid, by Vir

me of a Writ of the faid Lord the King of Capias ad respondendum, issuing out of the Court of our faid Lord the King of the Bench here, at the Suit of the faid Bramhone, and directed to the then Sheriffs of London aforesaid, for the arresting of the faid Ralph in a certain Plea of Trespass. and also in a certain Plea of Trespass upon the Case upon Promise, to the Damage of the faid Bramstone of 30 1. By Reason whereof the said Ralph was imprisoned by the said Sheriffs of London for a long Time, to wit, for the Space of twelve Hours, for want of Bail for his Appearance to answer to the said Bramstone in his Pleas aforefaid, and was put unto and fustained great Expences in and about procuring his Discharge from his said Imprisonment, to the Damage of the faid Ralph of forty Pounds: And thereupon he prays Relief, &c.

Pledges, &c.

On Reference to Mr. C. by Consent of both Sides he awarded, that the Defendant should pay Plaintiff 101. 10 s. and Proceedings to stay.

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Pleas

Pleas in the Exchequer Chamber at Westminster before Sir Lawrence Carter, Knight, Sir William Thompson, Knight, and William Fortescue, Esq; three of the Barons of the Exchequer of our Sovereign Lord the King, of the Degree of the Coif, on Saturday the Thirteenth Day of May in the Eleventh Year of the Reign of King George the Second, &c.

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Entry of a Writ of Error returnable in the Exchequer Cham-

UR Sovereign Lord the King hath fent to his Trusty and Well-beloved Sir William Lee, Knight, his Majesty's Chief Justice appointed to hold Pleas in his Majefty's Court before the King himself, his Writ closed in these Words, to wit, Geome the Second, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c. To our Trusty and Well-beloved Sir William Lee, Knight, our Chief Justice appointed to hold Pleas before Us, Greeting: Whereas by the Statute made in the Parliament holden at Westminster the twenty-third Day of November in the twenty-seventh Year of the Reign of the Lady Elizabeth, late Queen of England, it was by the Authority of the fame Parliament amongst other Things enacted, that when any Judgment at any Time then after should be given in the Court of King's Bench in any Suit of Action of Debt, Detinue, Covenant, Account

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Account, Action upon the Case, Ejectment or Trespass first commenced or to be commenced there, other than fuch only where we should be a Party, the Plaintiff or the Defendant against whom fuch Judgment should be given, may at his Election fue forth out of the Court of Chancery a Special Writ of Error to be devised in the said Court of Chancery, directed to the Chief Justice of the faid Court of King's Bench for the Time being, commanding him to cause the Record and all Things touching the faid Judgment, to be brought before the Justices of the common Bench and the Barons of the Exchequer into the Exchequer Chamber, there to be examined by the faid Justices of the Common Bench and Barons afore faid which faid Justices of the Common Bench, and fuch Barons of the Exchequer as are of he Degree of the Coif, or fix of them at the east, by Virtue of the said Act shall therupon havefull Power and Authority to examin Il fuch Errors as shall be affigned or ound in or upon fuch Judgment, and hereupon to reverse or affirm the said udgment as the Law shall require, other han for Errors to be affigued or found or or concerning the Jurisdiction of the aid Court of King's Bench, or any want fform in any Writ, Return, Plaint, Bill, Declaration, or other Pleading, Process, lerdict or Proceeding what foever; and that fter the said Judgment shall be affirmed or tversed, the said Record, and all Things

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touching the fame, shall be removed and brought back into the faid Court of King's Bench, that such further Proceedings may be made thereupon as well for Execution as otherwise, as shall appertain, as in the faid Statute is more fully contained; And forafmuch as in the Record and Process. as also in giving of Judgment in a Plaint which was before Us by Bill between Ste. phen Conning and Joseph Sabine, Esq; of a certain Trespass and Assault done to the faid Stephen by the faid Tofeph, as it is faid, manifest Error hath intervened, to the great Damage of the faid 70/epb. as by his Complaint we are informed. which faid Error no ways toucheth Us or the Jurisdiction of the faid Court of the faid Bench, or any want of Form in any Writ, Return, Plaint, Bill, Declaration, or other Pleading, Process, Verdict of Proceeding what foever, as we are inform'd We therefore, willing that the faid Error if any be, be duly amended according to the Form of the faid Statute, and full and Speedy Justice done to the faid Parties in this Behalf, do command you, that i Judgment be given thereupon, that there you cause the Record and Process a foresaid, with all Things touching the same, to come before the said Justices of the Common Bench, and Barons of ou faid Exchequer, into our Exchequer Cham ber on Saturday the thirteenth Day of Ma next enfuing, that the faid Justices and Barons viewing and examining the Re cord

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cord and Process aforesaid, may cause further to be done therein as of Right and according to the Form of the said Statute shall be meet to be done: Witness ourself at Westminster, the Twenty-sixth Day of April in the Eleventh Year of our Reign.

The Answer of Sir William Lee, Knight, Chief Justice within named.

The Record and Process of the Plaint, The Return of whereof mention within is made, with the Writ of all Things touching the same, to the Justices and Barons within specified, at the Day and Place within contained, I certify in a certain Schedule to this Writ annexed, as to me is within commanded.

William Lee.

Pleas before our Lord the King at The Tran-Westminster, of the Term of St. Mi-Script. chael in the Eleventh Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, and in the Year of our Lord 1737.

Roll 482.

London, STephen Conning puts in his Place Warrant of Arthur Stone his Attorney, a- Attorney for sainst Joseph Sabine, Esq; of a Plea of the Plaintiff. Trespais, Assault and Imprisonment.

U 3 London.

For the Defendant. London. Joseph Sabine, Esq; puts in his Place Robert Crosby his Attorney, against Stephen Conning, in the Plea aforesaid.

Memorandum of the fame Term.

London. Be it remembered, that on Monday next after three Weeks of St. Mi. chael in this same Term, before the Lord the King at Westminster came Stephen Conning by Arthur Stone his Attorney, and brought here in the Court of the faid Lord the King then there his certain Bill against Foseph Sabine, Esq; in the Custody of the Mar. shal, &c. of a Plea of Trespass, As. fault and Imprisonment; and there are Pledges of Profecuting, to wit, John Doe, and Richard Roe; which faid Bill follows in these Words. London. Stephen Conning complains of Foseph Sabine, Esq; in the Custody of the Marshal of the Marshallea of our Sovereign Lord the King, before King himself; For that the said Toseph Sabine on the twenty-ninth Day of the Year of our Lord 1735. May in at Gibraltar, to wit, at London in the Parish of St. Mary le Bow in the Ward

an Action brought by a Master Carpenter of the Office of Ordnance against General Sabin, Governor of Gibraltar, for causing the Plaintiff to be tried by a Court Martial there to which not sub ject, and to undergo the Sentence thereof. VIZ. to receive

Declaration on

300 Lasbes, and to leave the Place and his Employment.

of Cheap, with Force and Arms, to wit,

with Staves, Swords and Whips, made an

Affault upon the faid Stephen, and beat,

wounded and treated him ill, and without

any reasonable Cause, and against the

Law of England, imprisoned the faid Ste-

phen, and kept and detained him in Prilon

there for a long Time, to wit, for the

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Space of 20 Days, and tied the faid Steoben to a public Whipping-Post, with Whips struck divers, to wit, three hundred Strokes or Lashes upon the naked Body of the faid Stephen, and kept and confined the faid Stephen fo whipt and wounded in Prison for a long Time, to wit, for the Space of two Mouths; whereby the faid Stephen during all that Time underwent great Pain and Hardship, and was in Danger of losing his Life, and also was hindered from using and exercising his Employment and Bufiness of a Carpenter, and from acquiring thereby large Sums of Money; and also that the faid Toleph Sabine afterwards, to wit, on the second Day of August in the Year aforesaid, at Gibraltar aforefaid, to wit, at London in the Parish and Ward aforesaid, with Force and Arms, &c. against the Will of the said Stephen, compelled and forced the faid Stephen to depart from and leave Gibraltar aforesaid; by reason whereof the said Stephen was not only put to great Expence and Trouble, and the Goods and Effects of the faid Stephen there, of the Value of five hundred Pounds, were diminished, loft and confumed, and the Family of the laid Stephen there brought to Want and great Distress; but also the said Stephen was totally deprived of Proceeding in and exercifing the Business of a Master Carenter of the Office of Ordnance at Giraltar aforesaid, in which he was retained nd employed; And then and there did U 4 other

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The Attorney's Practice

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other Injuries to the faid Stephen, against the Peace of the present King, and to the Damage of the faid Stephen 10,000 l. And therefore he brings Suit, &c.

Not guilty.

Plea.

and the faid Toseph by Robert Crosby his Attorney comes and defends the Force, Injury and Damages, and whatever elfe he ought to defend, when and where the Court will take the same into Consideration, and faith, that he is in no wifeguilty of the Premisses above laid to his Charge, as the faid Stephen above complains against him: And of this he puts himself upon his Country; and the faid Stephen likewise, &c. Therefore let a Jury come thereupon before the Lord the King at Westminster on Monday next after fifteen Days of St. Martin, and who neither, &c. to recognize, &c. because as well, &c. The same Day is given to the Parties aforesaid there, &c.

Mue. Venire awarded.

Continuance by Vic. non milit Breve.

At which Day before the Lord the King at Westminster came the Parties aforesaid by their Attornies aforefaid, and the Sheriffs did not fend the Writ, nor did they do any thing thereupon: Therefore as before let a Jury come before the Lord the King at Westminster on Monday next after the Octave of the Purification of the Bleffed Virgin Mary, and who neither, &c. to recognize, &c. because as well, &c. The fame Day is given to the Farties aforesaid, there, &c. Afterwards the Process is thereupon continued between the Parties aforefaid of the Plea aforesaid, by the Jury between them being respited before our Lord

Process continued.

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Lord the King at Westminster until Wednesday next after 15 Days from Easter Day then next following, unless the King's Right trusty and well beloved Sir William Lee, Knt. Chief Justice of our Lord the King, affigned to hold Pleas in the Court of our faid Lord the King before the King himself, shall first come on Wednesday the 15th Day of February at the Guildhall of the City of London aforesaid, by Form of the Statute, &c. for Default of the Jurors, 80. At which Day before our Lord the King at Westminster came the said Stephen Conning, and the faid Chief Justice, before whom, &c. fent here his Record before him had in these Words, to wit, After- Postea. mards at the Day and Place within contained, before Sir William Lee, Knt. Chief Justice within named, having affociated to him 70hn Skynner, Gent. by Form of the Statute, &c. came the within named Stephen Conning by his Attorney within named, and the within named Foseph Sabine, Esq; although folemnly required, came not, but made Default: Therefore let the Jurors of the Jury Verditt for the within mentioned be taken against him by Plaintiff by Default; and the Jurors of that Jury being Default. summoned came, who to say the Truth of the within Contents being chosen, tried and sworn, say upon their Oaths, that the faid Toseph Sabine is guilty of the Premisses within laid to his Charge in Manner and form as the faid Stephen within complains against him, and affess the Damages of the said Stephen, by reason of the Premisses within

The Attorney's Practice

Judgment figned the 5th of May 11 George 2.

within mentioned, over and above his Costs and Charges by him about his Suit in this Behalf expended, to seven hundred Pounds, and for those Costs and Charges to sorty Shillings: Therefore it is considered, that the said Stephen Conning recover against the said Jury in Form aforesaid assessed and also ninety-four Pounds for his said Costs and Charges, by the Court of our said Lord the King now here adjudged of Increase to the said Stephen by his Assent, which Damages amount in the whole to seven hundred and ninety-six Pounds.

Day given to esign Errors.

And thereupon came here into Court in the faid Exchequer Chamber the faid Joseph Sabine in his proper Person, and prays a Day to affign Error or Errors in the Record and Proceedings aforesaid; upon which a Day is here given to him by this Court to affign Error or Errors in the Record and Proceedings aforesaid, until Friday the ninth Day of June next, &c.

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Pleas in the Exchequer Chamber at Westminster before Sir Lawrence Carter, Knight, Sir William Thompson, Knight, and William Fortescue, Esq; three of the Barons of the Exchequer of our Sovereign Lord the King of the Degree of the Coif, on Friday the ninth Day of June in the eleventh Year of the Reign of King George the Second, &c.

ARD upon this came here into Court General Errors in the faid Exchequer Chamber the faid affigned. foseph Sabine in his proper Person, and faith, hat in the Record and Proceedings aforeaid, and also in giving the faid Judgment, it smanifestly erroneous in this (that is to ay) That whereas by the Record aforefaid he Judgment aforesaid in Form aforesaid iven was given for the faid Stephen Conning gainst him the said Foseph Sabine; Whereas y the Law of the Land the faid Judgment ught to have been given for the faid fofepb abine against the said said Stephen Conning, nd therefore in that it is manifestly errocous, and prays a Writ to be directed to Scire Facias he Sheriffs of London to give notice to the prayed. aid Stephen Conning to be here to hear the ecord and Proceedings aforefaid, and it granted to him: Therefore it is com- And awarded. landed unto the faid Sheriffs, that by ood Men they give Notice unto the faid

Stephen

The Attorney's Practice

Stephen Conning that he may be here on Wedne [day the eighth of November next, &6

Pleas in the Exchequer Chamber at Westminster before Sir John Comyns, Knight, Chief Baron of the Exchequer of our Sovereign Lord the King, of the Degree of the Coif, Sir Lawrence Carter, Knight, and Thomas Parker, Elg; two other of the Barons of the Exchequer of our Sovereign Lord the King, of the Degree of the Coif. on Wednesday the eighth Day of November in the twelfth Year of the Reign of King George the Second, &c.

Parties appear.

breve.

21 T which Day came here into Court in the faid Exchequer Chamber as well the faid Foseph Sabine in his proper Person, a the faid Stephen Conning in his proper Per-Vic. non mif. fon, and the Sheriffs did not fend the Writ aforefaid, nor did any thing thereupon and therefore the faid Foseph Sabine as a first faith, that in the Record and Proceed ings aforefaid, and also in giving the said Judgment, there is manifest Error affigned by alledging the Error aforesaid by him above for Error affigned and alledged, and defireth that the Judgment (by reason of these Errors and others being in the Record and Proceedings) may be reversed, an nulled, and made void, &c.

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and the faid Stephen Conning faith, that Foinder in neither in the Record and Proceedings Error. aforesaid, nor in giving the Judgment aforefaid, is any thing erroneous, and defireth also that the Court of our Lord the King here may proceed to the Examination as well of the Record and Proceedings aforefaid, as the aforesaid Cause by the aforefaid Foseph Sabine above affigned for Error. and that the Judgment aforesaid may be affirmed in all things ; But because the Continuance by Court of our Lord the King are willing to Cur' Adviadvise on the Premisses before Judgment sari vult. be thereupon given, a Day is here given to the faid Parties until Wednesday the thirtyfirst Day of Fanuary next, &c.

foseph Sabine, Esq; puts in his Place Ro-Warrant of hert Crosby, his Attorney, against Stephen Attorney for Conning in a Plea of correcting Errors.

Error.

Stephen Conning puts in his Place Arthur For Defensione his Attorney, against Joseph Sabine, dant. Esq; in a Plea of correcting Errors.

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Pleas in the Exchequer Chamber at Westminster before Sir John Willes, Knight, Chief Justice of the common Bench of our Sovereign Lord the King Sir John Comyns, Knight, Chief Baron of the Exchequer of our Sovereign Lord the King, of the Degree of the Coif, Alexander Denton, Esq; Sir John Fortefcue Aland, Knight, two other of the Justices of the common Bench of car Sovereign Lord the King, and also before Sir Lawrence Carter. Knight, Sir William Thompson, Knight, and Thomas Parker, Eq. the three other Barons of the Exchequer of our Sovereign Lord the King of the Degree of the Coif, on Wednesday the thirty-first Day of January in the twelfth Year of the Reign of King George the Second.

firmed.

Judgment af- 2 T which Day came here into Court in the faid Exchequer Chamber, as well the faid Foseph. Sabine as the faid Stephen Conning by their Attorneys aforesaid; upon which the Premisses being considered, a well the Record and Proceedings aforesaid and the Judgment aforefaid on the fame given, the Causes afore for Error affigned being by the Court of our Lord the King here diligently examined and fully under flood, It feemeth unto the faid Court of

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ur Lord the King here, that the Judgnent aforesaid is not in any wise vitious or efective, and that in the faid Record here is not any thing erroneous: Therebre it is confidered by the faid Court of urLord the King, that the Judgment aforeaid in all things be affirmed, and do stand nits full Strength and Effect (the faid Caufe bove for Error affigned and alledged in ny thing notwithstanding): And it is furperconsidered, that the said Stephen Con- Costs occasing do recover against the said foseph Sa- one dilationis Execuadged to the faid Stephen Conning at his equest by the Court of our Lord the ing here for his Damages, Costs and harges, which he hath expended by rean of the Delay of the Execution of the adgment, and by the Profecution of the it of Error: Whereupon the Record and Record reoccedings aforesaid of the said Justices of mitted. e Common Bench and the faid Barons forethem had in the Premisses by the said offices and Barons before our Lord the ing, wherefoever, &c. are remitted accordg to the Form of the Statute of the enty-seventh Year of the late Queen

Tuesday

Tuesday next after three Weeks from Easter Day in Easter Term in the fourteenth Year of King George the Second.

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Anthony and Bigge.

ration for a criminal Conversation with Wife.

B. R. Decla- London, 7 AMES Gramer Biker complaint to wit. 3. of Matthew Morley in the Custody of the Marshal, &c. For that he the the Plaintiff's faid Matthew on the twentieth Day of Fe bruary in the fourteenth Year of the Reign of our Sovereign Lord George the Second now King of Great Britain, &c. and of divers other Days and Times between the faid twentieth Day of February and th twentieth Day of April then next following with Force and Arms, &c. on Catherine th Wife of the said James Gramer at London aforesaid, to wit, in the Parish of St. Man of the Arches in the Ward of Cheap, mad an Affault, and her the faid Catherine ther ravished, debauched, lay with, and carnall knew, whereby he the faid James Gram was deprived of and loft, during all the Tim aforesaid, the Help, Solace, Affection Comfort and Counsel of his faid Wife, an other Enormities to the faid Fames Gram did, against the Peace of our faid Lordt King, to the Damage of the faid Jam Gram

Gramer of ten thousand Pounds: And thereupon he brings his Suit, &c.

Stanyford for the Plaintiff. Graves for the Defendant.

Pledges of profecuting Spoke Doe, and Richard Roe.

Of the Term of St. Michael in the Eleventh Year of King George II.

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Middlesex, B E it remembered, that on Memoran-to wit. B Monday next after three dum of a Bill Weeks from the Day of St. Michael in this of the fame refent Term came before our Sovereign Lord the King at Westminster Sir William Morice, Baronet, by Fosbua Thomas his Atorney, and brought here into the Court four faid Sovereign Lord the King then here his Bill against Augustus Fitzroy, Esq; ommonly called the Lord Augustus Fitzroy n the Custody of the Marshal, &c. of a lea of Trespass; and there are Pledges to rosecute, to wit, John Doe and Richard koe; which faid Bill follows in thefe Words, wit, Middlesex, to wit, Sir William Mo- Declaration ie, Baronet, complains of Augustus Fitz-for ravishing, m. Esq; commonly called the Lord Au-debauching, lying with, and whus Fitzroy in the Custody of the Marshal, carnally known for that he the faid Augustus on the ing the Plaine irtieth Day of March in the tenth Year iff Wife Vol. II.

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of the Reign of our Sovereign Lord George the Second, now King of Great Britain, Ec. and at divers other Days and Times between the faid thirtieth Day of March and the nineteenth Day of June then next following, with Force and Arms, &c. at the Parith of Staines in the County afore. faid, did ravish, debauch, lie with, and carnally know Lucy the Wife of the faid Sir William, whereby the faid Sir William was deprived of and loft the Comfort and Society of his faid Wife for all the Time aforesaid, and did other Enormities to the faid Sir William, against the Peace of our Lord the King, to the Damage of the faid Sir William of twenty thousand Pounds; And therefore he brings his Suit, &c.

Plea, Not guilty.

and the faid Augustus by Henry Cruws his Attorney comes and defends the Force and Injury when, &c. and faith that he is in no wife guilty of the Trespass above charged on him as the faid Sir William above complains against him: And of this he puts himself upon his Country; and the said Sig William does likewise the same : Therefore let there come a Jury thereof before out

Mue.

Award of the Venire.

> Lord the King at Westminster, on next after and who neither, &c. to recognize, &c. because as well, &c. The same Day is given to the faid Parties there, &.

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Trinity Term in the Eleventh and Twelfth Years of King George the Second.

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86.

Our Lord the King sent to the Sheriff Entry of Scire of Middlesex his Writ close in these facias inquir Words, to wit, George the Second, by the "gainft Baron Grace of God, of Great Britain, France and ecutrix. freland King, Defender of the Faith, &c. Fi.fa. to Sheriff to the Sheriff of Middlesex, Greeting: of Middlesex, Whereas we heretofore commanded our de bonis Testatoris, si, Sheriff of Middlesex, that of the Goods and &c. Etfinon, Chattels which were of William Bury de- &c. Cofts de reased at the Time of his Death, in the bonis pro-Hands of John Warburton and Mary his Wife, Prils. Executrix of the last Will and Testament of the faid William Bury deceased, in his Bailiwic, he should cause to be made as well twenty-four Pounds fourteen Shillings, thich Sarah Bulkley, Widow, Administrarix of all and fingular the Goods and Chatels, Rights and Credits of Edmund Percial deceased, at the Time of his Death who ied intestate, had in our Court before us Westminster recovered against them by ccasion of the not performing of certain romifes and Undertakings made by the id William Bury in his Life-time to the id Edmund Percival in his Life-time, as to twenty Shillings and nine Pounds fixen Shillings, which were adjudged to the id Sarah in our faid Court before us, for r Costs and Charges by her about her Suit

Suit in that Behalf expended; whereof the faid John and Mary were convicted, as appeared to us of Record, if they had so much in their Hands to be administred; and if they had not fo much, then the faid twenty Shillings and nine Pounds fixteen Shillings of the proper Goods and Chattels of the faid Fohn and Mary; and that he should have that Money before us at Westminster, at a certain Day now past, to render to the faid Sarab for her Damages, Costs and Return Nulla Charges aforefaid: And our faid Sheriff of

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Middlesex at that Day returned to us, that the faid John and Mary had no Goods or Chattels in his Bailiwic, which were of the faid William Bury at the Time of his Death, in their Hands to be administred, whereof he could cause to be made the said twentyfour Pounds fourteen Shillings of Damages aforesaid, and twenty Shillings and nine Pounds fixteen Shillings of Costs and Charges aforesaid, or any Part thereof; And that the faid John and Mary had no Goods and Chattels of their own proper Goods and Chattels in his Bailiwic, whereof he could cause to be made the faid twenty Shillings, and nine Pounds fixteen Shillings of Costs and Charges aforesaid, or any Part thereof: Whereupon, on the Behalf of the faid Sarab it was fufficiently testified in the Court before us, that the faid John and Mary had in the County of Lincoln sufficient Good and Chattels, which were of the faid Wil liam Bury at the Time of his Decease, is their Hands to be administred, whereo

the faid twenty-four Pounds fourteen Shillings, and twenty Shillings and nine Pounds fixteen Shillings, might be caused to be made: And it was further testified in our faid Court before us, that the faid John and Mary had in the faid County of Lincoln sufficient of their own proper Goods and Chattels, whereof the faid twenty Shillings and nine Pounds fixteen Shillings might be caused to be made: We therefore com- Fi. fa. to the manded our Sheriff of Lincoln, that of the Sher ff of Lin-Goods and Chattels which were of the faid William Bury at the Time of his Death, in the Hands of the said John and Mary, in his Bailiwic, he should cause to be made as well the faid twenty-four Pounds fourteen Shillings, as the faid twenty Shillings and nine Pounds fixteen Shillings, if they had 6 much in their Hands to be administred; and if they had not fo much in their Hands, then the faid twenty Shillings and nine Pounds fixteen Shillings of their own proper Goods and Chattels; and that he should have that Money before us at Westminster ta certain Day also now past, to render to the faid Sarab for her Damages, Costs and Charges aforesaid. And our said Sheiff of Lincoln at that Day returned to us, Return Coffs hat by virtue of the faid Writ to him di- levied de bonis ected he had caused to be made of the propriis. proper Goods and Chattels of the faid 70hn nd Mary the faid Sum of twenty Shillings nd nine Pounds fixteen Shillings for the aid Costs and Charges, which Money he ad ready to render, as in the faid Writ

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Nulla bona testatoris. certify, that the faid John and Mary had not any Goods and Chattels which were of the faid William Bury at the Time of his Death, in their Hands to be administred, within his Bailiwic, whereof he could cause to be made the said Sum of twenty. four Pounds fourteen Shillings of Damages aforesaid, or any Part thereof: And because the said Returns are conceived to be in Delay of the Execution of the Damages aforefaid; and also for that in our faid Court before us, on Behalf of the faid Sarab, it is fufficiently testified, that divers Goods and Chattels, which were of the faid William Burn at the Time of his Death, have fince the Death of the faid William Bury come to the Hands and Possession of the said 70hn and Mary to be administred, which Goods and Chattels the faid John and Mary have fold and wasted, and have converted and diff posed of that Money thereupon received to their own proper Use; and that the Residue of the Goods and Chattels which were of the faid William Bury at the Tim of his Decease, have been eloined by the faid Fobn and Mary to Places unknown t the faid Sarab, and by them converted t

Suggestion of a Devastavit.

Fieri Facias

fore us have been rightly acted or adjudged fhould be rendred void by Art or Decei command you that of the Goods and Cha

their own proper Use, with Intent that th

Execution of the Damages aforesaid migh

not be made: We being unwilling the

those things, which in our faid Court b

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tels which were of the faid William Bury at the Time of his Decease, in the Hands of the faid Fohn and Mary to be administred, in your Bailiwic, you cause to be made the faid Sum of twenty-four Pounds fourteen Shillings of Damages aforesaid, if you can levy the fame; and that you have the Money thereupon levied before us at Westminfer on Friday next after the Morrow of the Holy Trinity, to render to the faid Sarab for her Damages aforefaid; and if the faid If no Goods, Sum cannot be thereupon levied, then if it and a Devashall appear to you by Inquisition on the stavit shall Oath of good and lawful Men of your appear on In-Balliwic, in this Behalf to be taken, or by Sci.fa.quare. any other Methods whereby you may the better understand or certify, that the said John and Mary his Wife have fold, eloined, walted or converted, and disposed to their own proper Use, Goods and Chattels which were of the faid William Bury at the Time of his Decease, in their Hands to be administred, to the Value of the said twentyfour Pounds fourteen Shillings of the Damages aforesaid, or any Part thereof, that then by good and lawful Men of your Bailiwic you make known to the faid John and Mary that they be before us at Westminster on Friday next after the Morrow of the Holy Trinity, to shew if any thing they have or know to fay for themselves, why the faid Sarah ought not to have her Execution against them of the said twenty-four Pounds and fourteen Shillings for Damages foresaid, to be levied of the proper Goods

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and Chattels of the said John and Mary, is it seem expedient, &c. and further to do and receive what our said Court before us shall thereof then and there consider in this Be. half: And have there then the Names of those by whom you shall make known to them, and this Writ. Witness Sir William Lee, Knt. at Westminster, the 13th Day of May in the eleventh Year of our Reign.

at Westminster came the said Sarab in her

Reign.

At which Day before our Lord the King

fo

Inquifition, and Devastavit found.

Nulla bona.

proper Person; and the Sheriff, to wit, Sir George Champion, Knt. and Robert Cater, Esq; returned the faid Writ to him in Form aforesaid, directed in Manner and Form following, to wit, That the said John and Mary had not any Goods or Chattels which were of the faid William Bury deceased, at the Time of his Death, in their Hands to be administred, in his Bailiwic, whereofhe could cause the said twenty-four Pounds fourteen Shillings of Damages aforesaid, of any Part thereof, to be made; and the faid Sheriff likewise returned a certain Inquisition taken at the Three-Tuns in Brook freet near Holborn in the County of Middlesex, on the twenty-fifth Day of May in the eleventh Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. before the faid Sheriff, by Virtue of the said Writ to him thereupon directed, on the Oath of twelve good and lawful Men of his Bailiwic; whereby it wa found that several Goods and Chattels which t

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which were of the faid William Bary at the Time of his Death, had come to the Hands and Possession of the faid John and Mary to be administred, to the Value of the faid twenty-four Pounds and fourteen Shillings of Damages aforefaid, which faid Goods and Chattels they had fold, eloined, wasted, converted, and disposed to their own proper Use; And the faid Sheriff likewise return- Nihil to the ed. That the faid Fohn and Mary had not Sci. fa. any thing in his Bailiwic whereby or by which he could make known to them, &c. and that they or either of them were not found in the same, and they did not come, nor did either of them come: Therefore, Alias Sci. fa as before, it is commanded to the Sheriff, awarded. that by good and lawful Men of his Baiiwic he make known to the said John and Mary, that they be before our Lord the King at Westminster on Monday next after fifteen Days from the Day of the Holy frinity, to shew, if any thing they have or snow to fay for themselves, why the said Sarab ought not to have her Execution gainst them of the said twenty-four Pounds ourteen Shillings for her Damages aforeaid, to be levied of the proper Goods and Chattels of the said John and Mary, if, &c. nd further, &r. The same Day is given to he faid Sarab at the same Place: At which Day before our faid Lord the King at Westenfor; and the said Sheriff as before re- Nihil. mned, that the faid John and Mary had ot any thing in his Bailiwic, whereby or

by

by which he could make known to them, and that they were not, nor was either of them found in the same, and the said John and Mary, although at that Day folemnly demanded did not, nor did either of them come, but they made Default. It is there. fore confidered that the faid Sarah have her Execution against the said John and Man of the faid twenty-four Pounds fourteen Shillings for her Damages aforesaid, to be levied of the proper Goods and Chattels of the faid John and Mary, by the Default of the faid John and Mary, &c.

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Judgment.

Replication to annos, that the Plaintiff ance, by Vic' non milit Time of Appearance. Carthew 144.

and the faid Foseph faith, that he by any a Plea of Non thing before alledged by the faid William Aff. infra Sex in Pleading ought not to be barred from having his afore aid Action against the said fued out a Bill William, because he says, that he the said of Middlesex, Foseph, after the making the said severalProwith Continu- mifes and Undertakings, to wit, in Hilar Term in the thirteenth Year of the Reigno breve, to the his late Majesty George the First, late King of Great Britain, &c. for the Recovery of his Damages occasioned by the not perform ing the feveral Promises and Undertaking aforefaid, fued out of his faid late Majesty Court before the faid late King, the faid Court being then at Westminster in the said County of Middle fex, a certain Precept of the faid late King, called a Bill of Middle fex, against the said William, directed to the then Sheriff of Middlesex, by which faid Precept the faid late King commanded the faid then Sheriff, that he should tak

in the Court of King's Bench.

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he faid William, if, &c. and him fafely, 3c. fo that the faid then Sheriff might have his Body before our Lord the faid late King at Westminster aforesaid, on Monday next after the Octave of the Purification of the Blessed Virgin Mary then next enfuing, to answer to the faid Foseph on a Plea of Trespass, and also to a Bill of the faid Foseph against the said William for two hundred Pounds, on Undertakings, according to the Custom of the Court of the said ate King before the faid King to be exhibited, and that the faid Sheriff should then have there that Precept, which faid Pretept was fo prosecuted by the said Foseph against the said William, with Intent that the laid William might by virtue thereof be taken and arrested by his Body to appear before his said late Majesty at Westminster at the Return of the said Precept, and that on such Appearance the faid Foseph might exhibit gnot his Bill against the faid William in his said King ate Majesty's Court before the said latery of King, in a Plea of Trespass on the Case for not performing the said several Promises and Undertakings mentioned in the above-said Declaration of the said Joseph, in order to recover his Damages occasioned by the not performing thereof, and might the faid William: At which Day, to wit, Monday next after the Octave of the Pufore the faid late King at Westminster afore-aid the sa.d Foseph came in his own Per-

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fon, and offered himself against the said William on the aforesaid Plea and Bill: And the faid Sheriff, to wit, Sir John Lock, Knt. and William Ogburn, Efq; then Sheriff of the County of Middlesex, returned that the faid William was not found in his Bai. liwic, and the faid William did not come: Therefore as before the Sheriff was commanded, that he should take the said Wiltiam, if, &c. and him fafely, &c. fo that he might have his Body before the faid late King at Westminster aforesaid on Wednesday next after fifteen Days from the Day of Easter then next enfuing, to answer to the faid Toleph on his Plea and Bill aforefaid The same Day was given to the said Foseph at the same Place: At which Day, before the faid late King at Westminster aforesaid the faid Tofeph came in his own Person, and offered himself against the said William on the Plea and Bill aforefaid; and the Sherif did not return the faid Precept, nor did he do any thing thereupon; and the faid Will liam did not come: Therefore as before the Sheriff was commanded, that he should tak the faid William, if, &c. and him fafely &c. fo that he might have his Body before the faid late King at Westminster aforesaid on Friday next after the Morrow of the Holy Trinity then next enfuing, to answe to the said Joseph on the Plea and Bi aforesaid: The same Day was given to the faid Foseph at the same Place: At which Day before the faid late King at Westmin fter aforesaid the said foseph came in h OW

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wn Person, and offered himself against ne faid William on the Plea and Bill aforeaid; and the faid Sheriff did not return he faid Precept, nor did he do any thing hereupon; and the faid William did not ome: Therefore as before the Sheriff was ommanded that he should take the faid Villiam, if, &c. and him fafely, &c. fo that e might have his Body before the faid late ling at Westminster aforesaid, on Monday ext after three Weeks from the Day of . Michael then next enfuing, to answer the said Foseph on the Plea and Bill aforeid: The fame Day was given to the faid geph at the same Place: Before which Demise le lay, to wit, on the eleventh Day of June Roy. the Year of our Lord one thousand seven undred and twenty-seven, the faid King eorge the First departed this Life, to wit, Westminster aforesaid; At which Day, to it, the faid Monday next after three Weeks om the Day of St. Michael, before our ord George the Second, now King of Great ritain, &c. at West minster aforesaid, the said ofepb came in his own Person, and offered mself against the said William on the Plea d Bill aforefaid; and the Sheriff did not turn the faid Precept, nor did he do any ing thereupon; and the faid William did ot come. [Et fic de cateris, to the Prois the Defendant appeared on; the Aard of which follows.] Therefore, as beo the re, the said Sheriff was commanded that which should take the said William, if, &c. and m safely, &c. fo that he might have his Body

Body before our faid Lord the King a Westminster aforesaid on Wednesday next as ter three Weeks from the Day of St. Mi chael next enfuing, to answer to the faid Fosepb on the Plea and Bill aforesaid: The fame Day was given to the faid Joseph a the same Place: At which Day before ou faid Lord the King at Westminster afore

pears.

Defendant ap. faid came as well the faid 70/epb by his Attorney, as the faid William by his Attorney, and appeared in the fair Court here, according to the Custom of the faid Court, to answer the faid Foseph of the Plea and Bill aforefaid; and thereupon the faid Foseph upon the faid Appearance of the faid William then and there in the faid Court here exhibited his faid Bill a gainst the said William, declaring again him in the Manner aforesaid, as by the Record and Proceedings now remaining i his faid Majesty's Court before our fai Lord the King at Westminster aforesaid ma more fully appear: And the faid 70/co further faith, that the faid William, withi fix Years next before the iffuing out the faid Precept first above mentioned at Well minster aforesaid, took upon himself i Manner and Form as the faid 70/epb abov complains against him: And this he is read to verify: Wherefore he prays Judgmen and his Damages, by reason of the not pe forming the faid Promifes and Underta kings, to be adjudged to him.

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and the faid William as before faith, Rejoinder hat the faid Joseph by any thing by him Nul tiel rebove alledged in replying ought not to ave or maintain his faid Action against in the said William, because he says, at there is not any such Record of a Prept in the faid Replication of the faid 70b first above-mentioned, and Proceedg thereof affiled, or now remaining of gord in his faid present Majesty's Court fore our faid Lord the King at Westinster, as the said Foseph in pleading by ay of Reply hath above alledged: And is the faid William is ready to verify. Therefore as before he prays Judgment the faid Foseph ought to have his faid dion maintained against him.

and the faid Foseph faith, that there is Surrejoinder. tha Record of the faid Precept in the Haberur tale d Replication first above mentioned, Record'.

d Proceedings thereof, now remaining the Court of our now Lord the King fore the King himself, as the said 70bin his Replication hath above alledged; nd this he is ready to verify by the faid cord; and he prays that the faid Red may be by the faid Court here view'd dinspected: But because the Court of r faid Lord the King now here is not Continuance by tadvised about giving Judgment of and Cur'advisare

on the Premisses, Day is therefore given vult. the Parties aforesaid to come before our nd the King at Westminster until Monnext after the Morrow of the Afcen-

fion of our Lord, to hear Judgment of and upon the Premisses, for that the Coun of our said Lord the King now here is no yet advised thereof.

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B. R. Declavation in Repleyin.

Middlesex, Richard Handford was sum to wit, moned to answer Richard Hubbard of a Plea, wherefore he took the Goods and Chattels of the faid Richard Hubbard, and them unjustly detained a gainst Gages and Pledges until, &c. and whereupon the faid Richard Hubbard, be 7. P. his Attorney complains, that the fail Richard Handford on the 7th Day of Octobe in the Second Year of the Reign of our So vereign Lord and Lady William and Man now King and Queen of England, &c. the Parish of St. Margaret, Westminster in the County aforefaid, in a certain Place there called Peter-Street, took the Good and Chattels following, to wit, one Jack two Spits, eighteen Pewter Plates, & (reciting the other Particulars) of the fai Richard Hubbard, and them unjustly d tained against Gages and Pledges unti &c. Wherefore the faid Richard Hubba fays, that he is injured, and has Damag to the Value of twenty Pounds: At thereupon he brings Suit, &c.

Avowry for Rent Arrear. And the faid Richard Handford, by his Attorney, comes and defends to Force and Injury, when, &c. and wavows the Taking the faid Goods at Chattels in the faid Place, in which, &c. and justly, &c. because he says that to

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fame Place, in which the taking the faid Goods and Chattels is supposed to be done, contains, and at the same Time in which the taking the faid Goods and Chattels is supposed to be done, contained in itself a certain Piece or Parcel of Land with the Appurtenances in the Place called Peter-Street aforesaid, otherwise Bowling Alley, at the Parish of St. Margaret Westminster aforesaid, in the County aforesaid; of which faid Piece or Parcel of Land, with the Appurtenances before the faid Time, in which, &c. one Sir Robert Masham, Knight, was feifed in his Demefne as of Fee; and being to feifed the faid Sir Robert before the faid Time in which, &c. to wit, on the Sixteenth Day of May in the First Year of the Reign of our Lord and Lady the prefent King and Queen, at the Parish of St. Margaret Westminster aforesaid in the County aforefaid, demised the faid Piece or Parcel of Land, with the Appurtenances, to the said Richard Handford; To hold to the said Richard and his Assigns from the Feast-Day of the Annunciation of the blessed Virgin Mary then last past, before the Date of the faid Lease, for he Term of Fifty and one Years thence next ensuing and fully to be complete and ds t nded; by Virtue of which faid Demise he faid Richard Handford was possessed of ds as he said Piece or Parcel of Land for the ch, & serm aforesaid; and being so thereof poshat the effed, the faid Richard Handford after-VOL. II. wards

wards and before the faid Time in which, Ec. erected and built a Mesuage or Tene. ment upon the faid Piece or Parcel of Land, and was thereof possessed; and being so thereof possessed he the faid Richard Hand. ford before the faid Time in which, &c. to wit, on the Twentieth Day of December in the faid first Year of the Reign of our faid Lord and Lady the present King and Queen, demised the said Mesuage with the Appurtenances, to the faid Richard Hubbard, from the Feast of the Birth of our Lord then next following, for the Term of one Year thence next ensuing fully to be complete and ended: Yielding therefore for the faid Year to the faid Richard Handford, or his Assigns, the Rent of Fifteen Pounds of lawful Money of England at the four most usual Feasts in the Year, to wit, at the Feast of the Annunciation of the bleffed Virgin Mary the Nativity of St. John the Baptist, St Michael the Archangel, and the Nativity of our Lord, by even and equal Portions By Virtue of which faid Demise the fait Richard Hubbard entered into the fair Mefuage with the Appurtenances, and was possessed thereof, and occupied the faid Mefuage with the Appurtenances by the Space of three Quarters of a Year And because the Sum of III. 5s. of th faid Rent after the faid Demise so made for the faid three Quarters of a Year, the Feast of St. Michael last past and be fore the taking the faid Goods and Cha

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tels, were in Arrear and unpaid to the faid Richard Handford, the faid Richard Handford well avows the taking the faid Goods and Chattels in the faid Place, in which, &c. and justly, &c. for the faid 11 l. 5 s. being in Arrear to the faid Richard Handford in Form aforefaid, as in the faid Mesuage with the Appurtenances bound and liable to the Distress of the faid Richard Handford in Form aforesaid: And this he is ready to verify: Wherefore he prays Judgment, and a Return of the said Goods and Chattels to be adjudged to him, &c.

and the faid Richard Hubbard fays, that Replication no the faid Richard Handford by the Reason Rent arrear. before alledged, ought not to well avow

the taking the Goods and Chattels aforefaid in the faid Place, in which, &c. because he fays, that the faid III. 5 s. or my Part thereof, of the Rent aforesaid at the said Time in which, &c. was not in Arrear or unpaid to the said Richard Handsord; as the said Richard Handford in

his faid Avowry has above alledged: And this he prays may be inquired of by the

Country: And the faid Richard Handford Isue. loes so likewise, &c. Therefore it is Venire a

commanded to the Sheriff, that he cause warded.

loly Trinity in three Weeks wherefo-

ver, &c. Twelve, &c. by whom, &c.
nd who neither, &c. to recognize,

because as well, &c. The same
Y 2
Day

breve.

Vic'non misst Day is given to the faid Parties, &c. at which Day before our Lord the King and Lady the Queen at Westminster the said Parties came by their Attorneys aforesaid. and the Sheriff did not fend the Writ, nor did he do any thing thereupon: There

Award of Ve- fore as before it is commanded to the nire de novo. Sheriff, that he cause to come before our Lord the King and Lady the Queen from the Day of St. Michael in three Weeks wheresoever, &c. Twelve, &c. by whom, to Recog-&c. and who neither, &c. nize, &c. because as well, &c. The same Day is given to the faid Parties, &c.

C. B. Declavation in Repletaken in the King's Highway. Practical Register 157.

Northampton, TOHN Bilson was sumto wit, I moned to answer Samuel vin for a Mare Crosse of a Plea, wherefore he took a Mare of the faid Samuel's, and unjustly detained her against Gages and Pledges, Gc. And whereupon the faid Samuel by W. L. his Attorney, complains that the faid John on the first Day of October in the Twelfth Year of the Reign of our Lord William the Third late King of Emland, &c. at Harding ston in the County aforesaid, in a certain Place there called the King's Highway, took a Mare of the faid Samuel's, and unjustly detained her a gainst Gages and Pledges until, &c. And whereupon the faid Samuel fays that he is injured, and hath Damage to the Value of And thereupon he brings Suit, &c. And the faid John Billon by 7. B. his At

Cognizance as Bailiff of Lord Lempfter.

torney comes and defends the Force and In

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jury, when, &c. And as Bailiff of the Right Honorable William Lord Lempfter well acknowledges the Taking the faid Mare at the faid Time in which, &c. in a certain Place called the Queen's Highway, and justly, &c. Because he says that the same Place contains, and at the said Time in which, &c. contained in itself half a Rood of Land with the Appurtenances in Hardingston aforesaid, which said half Rood of Land long before, and at The locus in the faid Time in which, &c. was Parcel quo bis Freeof a certain antient Mesuage in Harding- bold. for aforefaid, which faid Mesuage long before and at the faid Time in which, &3c. was the Soil and Freehold of the faid Lord Lempster; and because the faid Mare at And the Mare the faid Time in which, &c. was in the feafant. said half Rood of Land in which, &c. doing Damage there, the faid John as Bailift of the said William Lord Lempster well acknowledges the taking the faid Mare in the faid Place in which, and justly, &c. doing Damage there, &c. without this, that Traverse the faid John took the faid Mare in a not taken in King's Highcertain Place called the King's Highway, way. as the faid Samuel hath declared against him: And this he is ready to verify: Wherefore he prays Judgment, and a Return of the faid Mare to be adjudged to him, &c.

and the said Samuel says, that the said Replication John Bilson ought not, as Bailist of the took in the Right Honorable William Lord Lempster, King's Highacknowledge the taking the said Mare way.

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to be just; because he says, that he the faid John Bilson, at the said Time in which, &c. took the faid Mare in the faid Place then called the King's Highway, in Manner and Form as the faid Samuel above by Declaring has alledged: And this he prays may be inquired of by the Country.

Demurrer in Abatement.

And the faid John fays, that he has no need, nor is he bound by the Law of the Land, in any Manner to answer to the faid Plea of the faid Samuel above by Replying pleaded, because he says, that the faid Plea is not sufficient in Law to maintain his faid Declaration: And this he is ready to verify: Wherefore for Default of a sufficient Replication in this Behalf the faid 7obn as before prays Judgment, and that the faid Declaration may be quashed, &c.

Foirder.

and the faid Samuel, for that he has above alledged sufficient Matter in Law for him the faid Samuel to maintain his Action and Declaration aforefaid; which he is ready to verify; which faid Matter the said Fohn does not deny, nor in any Manner answer thereto, but has intirely refused to admit the Verifying the same; the said Samuel prays Judgment, and his Damages by occasion of the taking and unjustly detaining the faid Mare, to be adjudged to Continuance by him, &c. And because the Justices here

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Cur'advisare would advise of and upon the Premisses before they give Judgment thereupon, a Day is given to the faid Parties here until from

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the Day of St. Michael in three Weeks to hear their Judgment thereupon, for that the faid Justices here are not yet, &c. At which Day come here as well the faid Sa- Judgment for muel as the faid John by their Attorneys the Plaintiff. aforesaid; and upon this the Premisses be- 1 Sid. 189, ing seen, and by the Justices here fully un- I Ventris derstood, it seems to the said Justices here 135, 136. that the faid Plea of the faid Samuel above Cro. Eliz. by replying pleaded is sufficient in Law to 202. maintain his faid Declaration as the faid Samuel has above alledged; for which the Inquiry afaid Samuel ought to recover his Damages warded. by occasion of the Premisses against the said fobn; but because it is not known what Damages the faid Samuel has fustained by occasion of the Premisses, it is commanded to the Sheriff, that by the Oath of twelve good and lawful Men of his County, he diligently inquire what Damages the faid Samuel has fustained, as well by occasion of the Premisses, as for his Costs and Charges by him about his Suit in this Behalf expended; and that the Sheriff make appear here the Inquisition which he shall therepon make on the Octave of St. Hilary under his Seal and the Seals, &c. At which Day here comes the faid Samuel by The Return. is Attorney aforesaid, and the Sheriff, to it, Sir Cæsar Child, Bart. now sends here certain Inquisition taken before him at he Town of Northampton in the County foresaid, on the nineteenth Day of Janury last past, by the Oath of twelve, &c. y which it is found, that the said Samuel

has fustained Damages by occasion of the Premisses, besides his Costs and Charges by him about his Suit in this Behalf expended, to 80 s. and for those Costs and Charges to 2 d. It is therefore considered, that the said Samuel recover against the said John his said Damages to 80 s. and 2 d. found by the said Inquisition in Form aforesaid; and also 12 l. 17 s. 4 d. by the Court here adjudged to the said Samuel at his Request for his said Costs and Charges.

Errors af-

Fudgment.

Afterwards, to wit, on next after in this fame Term before our Lady the Queen at Westminster the said John comes by A. M. his Attorney, and fays, that in the Record and Process aforesaid, and also in giving the said Judgment, there is manifest Error in this, to wit, that by the faid Record it appears, that the faid Judgment in Form aforesaid given was given for the faid Samuel Croffe against the faid John Billon, where by the Law of the Land of this Kingdom of England Judgment in the faid Plea ought to have been given for the faid John Bilfon against the faid Samuel Crosse.

No original

Crosse. There is also Error in this, to wit, that by the said Record it appears that the said John was summoned to answer the said Samuel of the Plea aforesaid, yet no original Writ between the Parties aforesaid of the Plea aforesaid is filed of Record, not remains of Record in the said Court of our Lady the Queen of the Bench, and therefore in that there is manifest Error. There is also Error in this, to wit, that by the said

No Warrant of Atterney.

Record

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e faid ecord Record it appears, that the faid Samuel came and appeared in the faid Court of our faid Lady the Queen of the Bench by W. L. is Attorney, yet the faid W. L. had no Warrant of Attorney of Record by Writ four Lady the present Queen, nor withbut Writ, to warrant his Appearance for the aid Samuel in the Plea aforesaid : and the Certioreris aid John prays separate Writs of our Lady awarded. he Queen, to wit, one to be directed to he Chief Justice of our said Lady the Dueen of the Bench, and the other to the Tuffos Brevium of our faid Lady the Queen the Bench aforesaid, to certify our said lady the present Queen the Truth therepon more fully; and it is granted to him, a Chon which, Tuefday next after the Rule to return steenth Day of the Holy Trinity is given Certioraris. y the Court of our faid Lady the present Queen here to return to the Court of our aid Lady the Queen before the Queen herelf at Westminster the said several Writs of artiorari above prayed; the same Day is iven to the said Samuel at the same Place, and the faid Chief Justice of the Bench Non Miser foresaid, and the said Custos Brevium of bria. or faid Lady the present Queen at that lay did not fend the faid several Writs, or did either of them, &c. nor did they o any thing thereupon, nor did either of tem do any thing thereupon: And there: In nullo est ponthe said Samuel freely comes here into Erratum. ourt, and fays, that there is not any Erreither in the Record and Proceedings foresaid, or in giving the said Judgment;

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Continuance.

Judgment affirmed.

and he prays that the Court of our faid Lady the Queen now here may proceed to the Examination as well of the Record and Proceedings aforefaid, as of the Matter aforesaid above affigned for Error, and that the faid Judgment may be in all things affirmed: But because the Court of our faid Lady the Queen now here is not yet advised of giving their Judgment of and upon the Premisses, a Day is thereupon given to the faid Parties before our Lady the Queen until in one Month of Easter, wherefoever, &c. to hear their Judgment thereupon, for that the Court of our faid Lady the Queen now here is not yet, &c. At which Day before our Lady the Queen at Westminster the said Parties come by their Attorneys aforefaid: Whereupon the Court of our faid Lady the Queen now here having feen and fully understood and diligently examined as well the faid Record and Proceedings, and the Judgment thereupon given, as the faid Caufes and Matters above affigned and alledged for Error, For that it feems to the Court of our faid Lady the Queen here that the faid Judgment is in nothing vitious or defective, and that there is no Error in the faid Record; It is confidered that the faid Judgment be in al things affirmed, and ftand in its full Force and Effect, the faid Causes above affigned for Error in any wife notwithstanding, &c And it is further confidered by the faid Court, that the faid Samuel recover against the faid John 12 1. adjudged by the Court

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of our Lady the Queen now here to the said Samuel by his Assent, according to the Form of the Statute thereupon lately made and provided, for his Costs, Charges and Damages which he has sustained by occasion of the Delay of the Execution of the said Judgment, by Pretence of prosecuting the said Writ of our Lady the Queen for correcting Errors of and upon the Premises: And that the said Samuel thereupon have his Execution, &c.

Middle fex, JOHN Tower fey, Robert Wheeler, Declaration in to wit. I and William Stubbins were Replevin. Summoned to answer Thomas Walker of a Plea, wherefore they took a Silver Poringer of the said Thomas's, and unjustly desined the same against Gages and Pledges, Br. And inhercupon the said Thomas by H. L. his Attorney complains that the said Prastical Refibn, Robert and William, on the first Day sister 157. If May in the ninth Year of the Reign of our Lord William the Third, now King of England, &c. in the Charter-bouse in the County of Middle fex aforesaid, in a certain Place there called the Dwelling-house of the said Thomas, took the said Cup of the said Thomas, and unjustly detained it against Gages and Pledges, and until, &c. Where-brethe said Thomas says, that he is injured, and hath Damages to the Value of thirty counds: And thereupon he brings Suit, Re.

And the faid John, Robert and William Cognizance a R. H. their Attorney come and defend Diffress for a the Poors Rate.

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the Force and Injury, when, &c. and well acknowledge the taking the faid Cup in the faid Place in which, &c. and justly, &c. because they fay, that at the faid Time in which, &c. the faid John and Robert being Overseers of the Poor of the Parish of St. Sepulchre in the faid County of Middlelex. by Virtue of a Warrant under the Hands and Seals of William Withers, Efg; and Thomas Smith, Esq; two Justices of our Lord the present King, assigned to keep the Peace in the County aforefaid (of whom one, &c.) directed to the Churchwarden and Overseers of the Poor of the said Pa rish, or any of them, at the faid Place in which, &c. demanded of the faid Thoma Walker to pay to them 10 s. 6 d. of lawfu Money duly charged upon him towards the Relief of the Poor of the faid Parish by Authority, and according to the Tenor Purport and Effect of a certain Statut lately made and provided in a Parliamen of the Lady Queen Elizabeth held at Well minster in the County of Middlesex in th forty-third Year of her Reign; and because the faid Thomas then and there refused t pay to the faid John and Robert the fail 10 s. 6 d. the faid John and Robert Overseers of the said Poor, and the said William at their Request, and in their Ai for keeping the Peace of our faid Lord to King (the faid William being then a Con stable within the faid Parish) by Force the Statute and Warrant aforesaid, we avow the taking the faid Cup at the fai

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Time in which, &c. in the faid Place in which, &c. in the Name of a Diffress for he said 10 s. 6 d. charged as aforesaid upon he faid Thomas towards the Relief of the Poor of the faid Parish then being in Arrear nd unpaid, and justly, &c. And this hey are ready to verify: Wherefore they ray Judgment, and a Return of the faid Cup to be adjudged to them, &c.

and the faid Thomas fays, that the faid Replication de John, Robert and William, by the Reason injuria sua efore alledged, ought not to acknowledge propria. hetaking the faid Cup of the faid Thomas in he faid Place in which, &c. as just, because efays, that the faid John, Robert and Wiliam, on the Day and Year aforefaid in the aid Declaration mentioned, of their own roper Injury, without the Caufe by them their faid Avowry abovementioned, took he said Cup of the said Thomas in the said lace in which, &c. and unjustly detain against Gages and Pledges, &c. in maner and Form as the faid Thomas above omplains against them: And this he prays ay be inquired of by the Country: And Isue. te said John, Robert and William, do so

kewise, &c. Therefore, &c.

wit. B E it remembered, that Theodore Memoran-wit. B Jacobson and Jacob Jacobson, dum retofore in the Court of the Sheriff of Replevin in eCounty of Kent held at Penenden in the the County me County, complained against Walter Court. e of a Plea of taking and unjustly detaingthe Goods and Chattels of the faid Theodore

dore and Jacob, and they found Pledges for profecuting, and also for returning the said Goods and Chattels, if a Return should be thereupon adjudged, to wit, Jacob Jacob

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Declaration.

Avowry for Salvage.

fon and Thomas Clayton, which faid Plain at the Prayer of the faid Walter, by Vinu of the Writ of our Lady the Queen of Ra cordari Facias Loquelam, was had before or Lady the Queen at Westminster on the Morrow of the Ascension of our Lord la past; and the Process thereupon bein continued unto this Day, to wit, to the Mor row of the Holy Trinity in this same Tem now at this Daybefore our Ladythe Que at Westminster come as well the said The dore and Facob, by T.P. their Attorney, the faid Walter Lee, by 7. W. his Attorney and upon this the faid Theodore and fan complain of the faid Walter of a Plea, wit, that the faid Walter, on the 20th Da of February in the fourth Year of the Reig of our Lady Anne, now Queen of England Edc. at the Parish of Warden in the Count aforesaid, in a certain Place there calls the Sea Shore, took the Goods and Cha tels of the faid Theodore and Facob, to w 580 Bars of Iron, and them unjustly d tained against Gages and Pledges, unt &c. Wherefore they say that they are jured, and have Damage to the Value 450 1. And thereupon they bring Suit,

and the faid Walter, by J. W. his Attoney, comes and defends the Force and lightly, when, &c. and well avows the take the Goods and Chattels in the faid Dec

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ation abovementioned in the faid Place in hich, &c. and the detaining thereof, &c. nd justly, &c. because he says, that the aid Goods and Chattels, together with ertain other Goods and Chattels before he said Time in which, &c. to wit, on the 5th Day of November in the fourth Year 6the Reign of our Lady Anne, now Queen f England, &c. at Gottemburgh in the Kingom of Sweden in Parts beyond the Seas. rere loaden on Board a certain Ship called ne Corn Drogger of Gottemburgh aforesaid in he Kingdom of Sweden aforesaid, then oating in and upon the high Seas near the le of Sheppey in the County of Kent aforeid; and that the faid Ship so as aforeid floating there afterwards, to wit, on the me Day and Year a great Storm arose here, and so violently drove the faid Ship the Shore of the faid Island, to wit, at he Parish of Walden in the County aforeid, that the faid Ship, and also all the faid loods and Chattels then loaden on Board e same as aforesaid; and also all the Men d Persons then and there being in the me Ship were then and there almost funk, d in great Danger of intirely perishing, that the faid Men and all other Persons the faid Ship, who then and there had cCare and ought to have taken care of e faid Ship, or of the faid Goods and hattels, to preserve themselves, then and ere deferted and left the faid Ship, togeer with all the faid Goods and Chattels Board the same: And the said Walter further

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further fays, that afterwards, to wit, on the same Day and Year, certain Persons un. known, with Force and Arms, in the Night time, entered into the faid Ship then drove upon the faid Shore almost wrecked, and then and there stole and feloniously tool and carried away certain Goods and Chan tels, Parcel of the other Goods and Char tels abovementioned, of which the fai Walter afterwards, to wit, on the 28th Da of November aforesaid, at the Parish afore faid, having Notice, and then not know ing to what Person or Persons the sai Goods and Chattels then belonged, an observing that no body then and there too care to preserve the same, and the sai Ship being in Danger of perishing, and being broke to Pieces, to preserve the fai Goods and Chattels in the faid Declaration abovementioned, left the fame should be stole or lost, with great Danger and La bour of himself and of his Servants, and a great Expence by him the faid Walt then and there on that Occasion necessari expended, procured the faid Goods an Chattels to be removed out of the faid Shi into a certain House in the said Island Sheppey, and caused the same to be the fafely and fecurely kept until, &c. An the faid Walter in Fact fays, that for the faid Labor and Expences he the fa Walter then and there reasonably deserve to have the Sum of 150 l. of good at lawful Money of England; and that after wards, to wit, on the first Day of Dece

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ber in the fourth Year aforesaid, at the Parish aforesaid, the said Walter then first knowing that the faid Goods and Chattels belonged to the faid Theodore and Facob, gave Notice to the faid Theodore and Facob of all the Premisses, and then and there requested the said Theodore and Facob to pay to him the faid Walter the faid 1501. for the faid Labour and Expence, and then and there offered to the faid Theodore and facob upon Payment thereof to deliver to the faid Theodore and Facob all the faid Goods and Chattels in the faid Declaration mentioned; but the faid Theodore and Facob then and there intirely refused, and still refuse to pay to the said Walter the said 150 h or any Part thereof, although the aid Theodore and Facob were often afterwards required by the faid Walter to pay the fame: Wherefore the faid Walter took as aforesaid, and detained the said Goods and Chattels until, &c. as it was lawful for im: And this he is ready to verify: Wherefore he prays Judgment, and a Reum of the faid Goods and Chattels, together with his Damages, Costs and Charges o be adjudged to him, &c.

and the faid T. and 7. fay, that the faid Replication de Walter ought not by the Reason before al- injuria sua edged to avow the taking the faid Goods propria. nd Chattels in the Place in which, &c. to e just, because they say that the said Waler on the 20th Day of February in the faid ourth Year of the Reign of our Lady lieen Anne, in the Declaration of the faid VOL. II. 2 T. and

T. and 7. above specified, of his own proper Injury, and without any fuch Caufe as by the faid Walter in his faid Avowry is alledged in the faid Place in which, &c. took the faid Goods and Chattels of the faid T. and 7. in the Declaration of the faid T. and J. above specified, and unjustly detained them against Gages and Pledges, until, &c. in Manner and Form as the faid T. and 7. in their faid Declaration complain against him: And this they pray may be inquired of by the Country; and the faid Walter does so likewise, &c. Therefori is commanded to the Sheriff, that he cauf to come before our Lady the Queen from the Day of St. Michael in three Weeks wherefoever, &c. twelve, &c. by whom &c. and who neither, &c. to take Cogni zance, &c. because as well, &c. The sam

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Mue. Venire awarded.

Suggestion of the Death of one of the Plaintiffs.

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dore died, and the faid Facob furvived him Vir non mi- And now at this Day before our faid Lad the Queen at Westminster the faid 7an and Walter come by their Attorneys afor faid; and the faid Sheriff did not fend the faid Writ, nor did he do any thing thereu

Day is given to the faid Parties, &c. Befor

which Day, to wit, on the 17th Day

Fuly in the fifth Year of the Reign of ou

faid Lady the present Queen the faid The

Alias Venire on: Therefore, as before, it is command awarded. to the Sheriff of the County aforefaid, th he cause to come before our said Lady t Queen on the Octave of St. Hilary, when

foever, &c. twelve, &c. by whom, and who neither, &c. to take Cognizand 80. because as well, &c. The same Day is given to the faid Parties, &c.

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Hertfordsbire, CIR. William Parkins, late C. B. Declato wit, O of Bushey in the County ration in Reaforesaid, Knight, was summoned to an-plevin. swer Silas Titus, Esq; of a Plea, wherefore he took the Cattle of the faid Silas, and them unjustly detained against Gages and Pledges, &c. And whereupon the faid Sylas, by John Warburton his Attorney, complains that the faid Sir William, on the Eighteenth Day of May in the First Year of the Reign of our Sovereign Lord Fames he Second now King of England, &c. t Bushey, in a certain Place there called Marybill Ground, took the Cattle of the aid Sylas, to wit, fix and thirty Wether sheep, twelve Ewe Sheep, and eight lambs, and unjustly detained them aainst Gages and Pledges, until, &c. Wherefore the faid Sylas fays that he is f ten Pounds: And thereupon he brings vit, &c.

and the faid Sir William, by Randolph Acoury in Baldwin his Attorney, comes and defends proprio jure he Force and Injury, when, &c. And and Cognihe faid Sir William in his own Right well zance as Baivows, and as Bailiff of Algernoon Earl of of Effex. d, the flex well acknowledges the taking the dyt id Cattle in the faid Place, in which, a. And justly, &c. Because he says The locus in when the And justly, &c. Because he says The locus in m, 8 at the said Place, in which, &c. the quo, &c. the Freelest of

Freehold of izant king the faid Cattle is supposed to be Defendant and Z 2 done, the Earl.

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done, contains, and at the faid Time in which the taking of the faid Cattle is fupposed to be done, contained in itself two Acres of Pasture with the Appurte. nances in Bushey aforesaid, which said two Acres of Pasture with the Appurtenances are, and at the faid Time in which, &c. were the Soil and Freehold of the faid Sir Took the Cat- William and Algernoon Earl of Effex: And

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tle, Damage- because the said Cattle, at the said Time in which, &c. were in the faid two Acres of Pasture eating the Grass then growing in the same, and doing Damage there, the faid Sir William in his own proper Right well avows, and as Bailiff of the faid Algernoon Earl of Effex, well acknowledges the Taking the faid Cattle in the faid Place, in which, &c. And justly, &c. fo doing Damage there, &c.

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and the faid Sylas fays, that the faid Sir William, by the Reason before alledged, ought not in his own proper Right to avow, and as Bailiff of the faid Earl to acknowledge the Taking the faid Cattle in The locus in the faid Place in which, &c. as just; because he says that the said two Acres of Pasture in which, &c. are and at the said Time in which, &c. and also from the Time to the contrary whereof the Memory of Man is not, were Parcel of the Ma nor of Bufbey, and of the Customary Land of the same Manor, and also demised and demisable by Copy of Court-Roll of the fame Manor by the Lord or Lords of the same, or by his or their Steward of the

quo, &c. Parcel of the Manor of B.

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Court of the faid Manor for the Time being, to any Person or Persons willing to take the fame in Fee-simple or otherwise, at the Will of the Lord or Lords, according to the Custom of the faid Manor : Whereof De-And the faid Sylas further fays, that the fendant and aforesaid Earl and Sir William before the the Earl of said Time in which, &c. to wit, on the Lords. twenty-first Day of April in the said first Year of the Reign of our faid Lord the present King, were lawfully Lords of the faid Manor : And the faid Earl and Sir And granted William then being Lords of the faid Ma- the Locus in nor, afterwards and before the faid Time quo, &c. to in which, &c. to wit, on the same twen-Plaintiff. ty-first Day of April in the first Year aforefaid at a Court of the faid Earl and Sir William of their faid Manor then held for the faid Manor within the faid Manor at Bushey aforesaid in the County of Hertford, by one Thomas Smith, Gent. then their Steward of their said Manor, by Copy of Court-Roll of the faid Manor, granted the faid two Acres of Pasture with the Appurtenances, in which, &c. among other Lands and Tenements, to the faid Sylas; To have and to hold to the faid Sylas and his Heirs and Assigns for ever, at the Will of the Lords according to the Custom of the said Manor: And the said sylas according to the Custom of the said Who was Manor was then and there admitted Te-admitted Tenant thereof, by Virtue of which faid nant. Grant and Admission, the said Sylas before he said Time in which, &c. into the said

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two Acres of Pasture with the Appurtenances in which, &c. among other Lands and Tenements entered, and was and yet is seised thereof in his Demesne as of Fee. fimple at the Will of the Lords, according to the Custom of the faid Manor: And the faid Sylas being fo feifed thereof be. fore the said Time in which, &c. put his faid Cattle into the faid two Acres of Pasture in which, &c. to eat the Grass then growing in the fame; and the faid Cattle were in the faid two Acres of Pasture in which, &c. eating the Grass then growing there until the faid Sir William Parkins on the faid eighteenth Day of May in the first Year aforesaid, at Bushey aforesaid in the said two Acres of Pasture called Marybill Grounds, in which, &c. took the faid Cattle of the faid Sylas, and unjustly detained them against Gages and Pledges until, &c. as the faid Sylas above complains against him: And this he is ready to verify: Wherefore for that the faid Sir William Parkins above acknowledge the taking the faid Cattle, the faid Syla prays Judgment, and his Damages by Oc casion of the taking and unjustly detain ing the faid Cattle, to be adjudged to him, &c.

Replication. Confesses that the Locus in quo, &c. is Manor of B.

Atto the faid Sir William fays, that well and true it is, that the faid two Acres o Pasture with the Appurtenances in which Parcel of the &c. are, and at the faid Time in which &c. and alfo from the Time to the con trary whereof the Memory of Man

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not, were Parcel of the faid Manor of Bulbey and of the customary Land of the faid Manor, and demifed and demifable by Copy of Court-Roll of the faid Manor, by the Lord or Lords of the faid Manor, or by his or their Steward of the Court of the faid Manor for the Time being, to any Person or Persons willing to take the same in Fee-simple or otherwise, at the Will of the Lord or Lords, according to the Cufrom of the faid Manor: And that the faid That faid Earl and Sir William before the faid Time Earl and Dein which, &c. to wit, on the faid twenty-fendant were first Day of April in the said first Year of Lords. the Reign of our faid Lord the prefent King, were lawfully Lords of the faid Manor: And the faid Earl and Sir Wil- Granted to liam then being Lords of the faid Manor, Plaintiff. afterwards and before the faid Time in which, &c. to wit, on the faid twentyfirst Day of April in the said first Year aforefaid, at Bushey aforefaid in the County of Hertford aforefaid, by the faid Thomas Smith then their Steward of the Court of their faid Manor, by Copy of Court Roll of the faid Manor, granted the faid two Acres of Pasture with the Appurtenances in which, &c. among other Lands and Tenements, to the faid Sylas; To have and to hold to the faid Sylas, his Heirs and Affigns for ever, at the Will of the Lords according to the Custom of the faid Manor; and that the faid Sylas accord- Who was ing to the Custom of the said Manor then admitted Teand there was admitted Tenant thereof; nant. Z 4

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And that by Virtue of the faid Grant and Admission, the faid Sylas before the faid Time in which, &c. into the faid two A. cres of Pasture with the Appurtenances in which, &c. among other Lands and Tenements, entered and was feifed thereof in his Demesne as of Fee, at the Will of the Lords, according to the Custom of the faid Manor, as the faid Sylas above in Plead-But the Lands ing has alledged: But the faid Sir William

281. per Ann. Parkins further fays, that the faid two Acres of Pasture with the Appurtenances in which, &c. together with the other Lands and Tenements in the faid Copy mentioned, and by the faid Copy granted to the faid Sylas and his Heirs, and to which the faid Sylas was as aforefaid admitted, at the faid Time of the faid Admission of the said Sylas in the same, were, and yet are, of the clear yearly Value of twenty and eight Pounds; And that the faid Earl and Sir William, by the faid Thomas Smith, in the faid full Court of the faid Manor, held within the faid Manor on the twenty-first Day of April in the faid first Year of the Reign of our faid Lord the present King, the said Thomas Smith being then Steward of the Earl and Sir William then Lords of the faid Manor of the faid Court of their faid Manor as aforefaid, after the Admission of the said Silas Titus to the faid two Acres in which, &c. and the faid other Lands and Tenements granted by the faid Copy to the faid Sylas, then

And a Fine of 351. was afsessed on the Plaintiff.

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then and there affessed and appointed the sum of thirty and five Pounds for a Fine for the said Grant to the said Sylas of the aid two Acres of Pasture with the Appurtenances in which, &c. and of the faid other Lands and Tenements granted by he said Copy in Form aforesaid, to be haid by the faid Sylas to the faid Earl and Sir William being Lords of the faid Manor s aforesaid, upon the first Day of May hen next enfuing, at the Porch of the Church of the Parish of Bushey aforesaid athe faid County of Hertford, and that the aid Sylas then and there, to wit, at the aid Manor had Notice of all and fingular he said Premisses: And the said Sir Wil-Fine reasonahe Lands and Tenements by the faid copy in Manner and Form aforesaid ranted to the said Sylas, was a reasonale Fine ; And that the faid Sylas Titus, Plaintiff rethough he had Notice of the faid Pre-fused to payit.

iffes from the faid Lords of the faid Mart of Ma-or at the faid Court held as aforefaid at il in he faid Manor on the faid twenty-first our day of April aforesaid, did not pay to said the said Earl and Sir William, Lords of d of the faid Manor, or to either of them, the ds of the faid Manor, or to either of them, the ds of the faid Sum of thirty and five Pounds affect on the faid Fine in Form aforefaid after on the faid first Day of May then next and the faid Porch of the parochial Church shey aforesaid; but then and there innents Sylas, tely refused, denied, and still does rethen fuse

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Whereby forfeited. Cro. Eliz. Hammond 779. Cro. Ja. 617. Gardman.

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And were feifed in Fee.

Cattle Damage feafant.

fuse to pay the faid thirty and five Pound to the faid Earl and Sir William; by which the faid Sylas Titus forfeited to the faid Ear Wheeler and and Sir William, being Lords of the fai Honor, Ray- Manor, whereof, &c. as aforefaid, all h mond 42. Co. faid Customary Right, Estate, Title an Interest of and in the faid two Acres Dalton and Pasture, with the Appurtenances in which &c. and the faid other Lands and Tene ments specified in the faid Grant : Afte ner and Nor- which faid Forfeiture made in Form afor faid, and before the faid Time in which &c. the faid Earl and Sir William bein Defendant and Lords of the said Manor as aforesaid, et tered into the faid two Acres of Pastu with the Appurtenances, in which, & and were and yet are feised thereof their Demesne as of Fee: And becau the faid Cattle after the faid Entry, tow at the faid Time in which, &c. were the faid two Acres of Pasture with t Appurtenances, in which, &c. eating t faid Grass then growing in the same a doing Damage there, the faid Sir Willi as before in his own proper Right well vows, and as Bailiff of the faid Earl w acknowledges the taking the faid Cattle the said Place in which, &c. and just &c. fo doing Damage there, &c. And he is ready to verify: Wherefore as fore he prays Judgment, and a Return the faid Cattle, together with his Damag Costs and Charges by him about his in this Behalf expended, according to Form of the Statute in fuch Cafe la

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ade and provided, to be adjudged to im, &c.

and the faid Sylas protesting that the faid Rejoinder. am of thirty and five Pounds for the said Protestando Fine for the Lands and Tenements granted able. ythe faid Copy to the faid Sylas in Manerand Formaforesaid, was not a reasonable ine, as the faid Sir William has above by leading alledged, For Plea the faid Sylas Cuftom that ays, that there is, and from the Time to the Fine (bould he contrary whereof the Memory of Man not exceed a not, hath been a Custom within the Year's Value. id Manor, used and approved within the aid Manor for the whole Time aforesaid, wit, that every Person, who should be imitted Tenant to any customary Lands Tenements of the faid Manor by Copy fCourt-Roll of the faid Manor, have been customed, and ought to pay to the Lord Lords of the faid Manor for the Time eing, for a Fine for his Admission to ich customary Lands or Tenements, so such Money as fuch Lands or Tenements ere worth by the Year at the Time of ich Admission, and not more: And the Premisses id Sylas in Fact fays, that the faid two worth 28 1. cres of Pasture, with the Appurtenances per Annum. which, &c. together with the other ands and Tenements mentioned in the aid Copy, and by the faid Copy granted othe faid Sylas and his Heirs, and to which he said Sylas was admitted as aforesaid, the Time of the Admission of the said las to the same were worth, and are yet orth twenty and eight Pounds by the

Which Plainsiff tendered.

Year, and not more: And the faid Syla further fays, that at the Time of his faid Admission to the faid Tenements with the Appurtenances, to wit, at the faid Cour of the faid Manor held within the faid Manor on the faid twenty-first Day of April in the first Year aforesaid, he the the said Sylas was ready and offered to pay to the faid Sir William then one of the Lords of the faid Manor, being then and then present in his own proper Person, so much Money as the faid customary Tenement with the Appurtenances were worth by th Year at the Time of the Admission of the faid Sylas to the same, to wit, twenty an eight Pounds of lawful Money of English land, which faid twenty and eight Pound the faid Sir William then and there intirel refused to take or accept of the faid & And this he is ready to verify Wherefore as before he prays Judgmen and his Damages by Occasion of the Taking and unjustly detaining the sai Cattle, to be adjudged to him, &c.

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And Defendant refused.

Demurrer.

And the said Sir William says, that the Plea of the said Sylas above by Rejoining pleaded, and the Matter therein contained, are not sufficient in Law to barth said Sir William from having his Avow and Cognizance aforesaid, and that he had no Need and is not bound by the Law the Land to answer to the said Plea plead in Manner and Form aforesaid: And the is ready to verify: Wherefore so Default of a sufficient Plea in this Beh

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ne said Sir William as before prays Judgent, and a Return of the said Cattle, gether with his Damages, Costs and harges by him about his Suit in this Bealf expended, according to the Form of e Statute in such Case lately made and wided, to be adjudged to him, &c. Caufe, nd for Cause of demurring in Law to esaid Plea, the said Sir William accordg to the Form of the Statute in fuch ase lately made and provided shews, and the Court here demonstrates this Cause lowing, to wit, that the Value of the and is in Estimation, and the said Custom the faid Sylas above in Pleading prended and alledged, is uncertain, infuffient and void in Law.

and the faid Sylas, for that in his faid Joinder. lea above by Rejoining pleaded he has ove alledged fufficient Matter in Law to r the faid Sir William from having his vowry and Cognizance aforefaid, which is ready to verify, which faid Matter esaid Sir William does not deny nor any ay answer thereto, but intirely refuses admit the verifying the same, fore prays Judgment, and his Damages, Occasion of Taking and unjustly deining the faid Cattle, to be adjudged to m: And because the said Justices here Continuances ould advise themselves of and upon the emisses before they give Judgment ereupon, a Day is given to the faid rties here until on the Octave of St. ilary, to hear their Judgment thereup-

the Plaintiff.

Judgment for on ; for that the faid Justices here are no yet, &c. At which Day here come a well the faid Sylas as the faid Sir William b their Attorneys aforefaid: And upon the the Premisses being seen, and by the Ju stices here fully understood, it seems t the faid Justices here, that the faid Ple of the faid Sylas above by Rejoining plead ed, and the Matter therein contained are fufficient in Law to bar the faid S William from having his Avowry and Cog nizance aforesaid, as the said Sylas has bove alledged; for which the faid Syl ought to recover against the faid Sir Wi liam his Damages, by Occasion of Takin and unjustly detaining the faid Cattle But because it is not known what D mages the faid Sylas has fustained by Occ fion of the Taking and unjustly detaining the faid Cattle, it is commanded to the

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Inquiry awarded.

> Sylas has fustained, as well by Occasion of the Taking and unjustly detaining t faid Cattle, as for his Costs and Charg by him about his Suit in this Behalf e pended; And that the Sheriff make a pear here from the Day of Easter in Days the Inquisition which he shall ma thereupon, under his Seal, and the Sea &c. At which Day the faid Sylas com here by his Attorney aforefaid, and the St now fends here a certa riff, to wit, Inquisition taken before him at Stevens

Sheriff, that by the Oath of good and lav ful Men of the County aforesaid, he

ligently inquire what Damages the fa

The Return.

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the County aforesaid, on the fifteenth ne a pay of April last past, by the Oath of m by selve, &c. by which it is found that the id Sylas sustained Damages by Occasion the Taking and unjustly detaining the id Cattle, besides his Costs and Charges y him about his Suit in this Behalf exended, to Four-pence, and for those Costs nd Charges to Six-pence: Therefore it Judgment considered, that the said Sylas reco-signed 3 May Cop or against the said Sir William his said 2 Jac. 2.

as a lamages to Ten-pence, found by the said

Syll in Pounds five Shillings and Two-pence the Court here adjudged to the faid las at his Request for his faid Costs and t Di harges of Increase, which said Damages Occ the whole amount to nine Pounds and Shillings: And the faid Sir William in Mercy. lercy, &c.

Pleas before our Lord the King at Nisi Prius Westminster, of the Term of Holy Record. Trinity in the Twenty-ninth Year of the Reign of our Sovereign Lord Charles the Second, now King of England, &c.

ity of Coventry, Thomas Barford, late of B. R. Decla-to wit. Wikin in the County ration in Re-Wikin in the County ration in Rethe City of Coventry aforesaid, Yeo-plevin. an, was fummoned to answer Mary ady Digby, Widow, of a Plea wherete he took the Cattle of the faid Mary

and them unjustly detained against Gage and Pledges, &c. And whereupon the fai Mary, by H. R. her Attorney, complain that the faid Thomas on the twenty-thin Day of October in the twenty-eight Year of the Reign of our Sovereign Lor Charles the Second now King of England &c. at the City of Coventry in the Count of the same City, in the King's Highwa there took the Cattle of the faid Lad Mary, to wit, five Oxen and one Heife and them unjustly detained against Gag and Pledges until, &c. Whereupon the faid Lady Mary fays that she is injure and has Damage to the Value of twen Pounds: And thereupon she brings Su €3c.

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Plea Property in a Stranger. Salk. 5.

and the faid Thomas Barford, by G. his Attorney, comes and defends the For and Injury, when, &c. and fays, that the Time the faid Cattle are supposed have been taken, the Property of the Cattle was in one Rebecca Crab, Wido Administratix of all and fingular the God and Chattels, Rights and Credits, whi were of William Crab her late Husban deceased, at the Time of his Death, wil out this, that the Property of the faid C tle, at the Time of the Taking of the was in the faid Lady Mary Digby, as by her faid Writ and Declaration about thereupon supposes: And this he is ready verify: Wherefore he prays Judgment the faid Writ and Declaration, and a

Traverse.

um of the faid Cattle to be adjudged to

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im, &c. and the faid Mary Lady Digby fays, Replication. hat her faid Writ and Declaration ought ot to be quashed, because she says, that he Property of the faid Cattle, at the aid Time of the Taking them, was in er the faid Mary Lady Digby, in Manner nd Form as she by her Writ and Declaation aforefaid has thereupon above aladged, to wit, at the City of Coventry foresaid in the County of the same City: nd she prays that this may be inquired of ythe County : And the faid Thomas Bar- Iffue. orddoes so likewise: Therefore it is comanded to the Sheriff, that he cause to ome before our Lord the King from the ay of the Holy Trinity in three Weeks; Therefoever, &c. twelve, &c. by whom, and who neither, &c. to recognize, i because as well, &c. The same Day given to the Parties aforesaid, &c.

leas before our Lord the King at Westminster, of the Term of the Holy Trinity in the twenty-ninth Year of the Reign of our Sovereign Lord Charles the Second, now King of England, &c.

ity of Coventry, THE Jury between Jurat.

to wit, Mary Lady Digby,

idow, by her Attorney, Plaintiff, and

tomas Barford, late of Wikin in the

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Matth

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County of the City of Coventry aforesaid Yeoman, of a Plea of Taking and De taining Cattle, &c. are respited before ou Lord the King until from the Day of St Michael in three Weeks, wherefoever, & unless the Justices of our Lord the King, al figned to take the Affizes in the County of the faid City, shall first come on Wednesda the 25th Day of July at the City of Coven try aforesaid in the County of the sam City, by Form of the Statute, &c. fo Default of the Jurors, &c. Therefore le the Sheriffs have the Bodies, &c. Th fame Day is given to the faid Parties, & and be it known, that the Writ of ou Lord the King thereupon, on the four Day of July in this same Term, befor our Lord the King at Westminster, is de livered to the Undersheriff of the Count of the City of Coventry aforesaid, to executed in Form of Law at his Per £3€.

Le Sciendum.

Non Prof.

suffex, BE it remembered, that Ma to wit, B thew Green the Elder heren fore, to wit, at the County Court Suffex, held at Lewes for the County forefaid, on the fourteenth Day of M in the twelfth Year of the Reign of o Sovereign Lady Anne, by the Grace God, of Great Britain, &c. before Sam Watts and Stephen Weller, Suitors of the fame Court, complained against William Althorne, Gent. of a Plea of Taking a unjustly Detaining the Cattle of the fame

Plaint in County Court. aid

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Matthew, to wit, eight Ewes and fix lambs; which faid Plaint, by Virtue of Removed into he Writ of our Lady the Queen of Re- B. R. by Rendiri facias Loquelam, returnable from cordari. he Day of St. Michael in three Weeks that same Term, wheresoever, &c. was ad here at Westminster from the Day of t, Michael in the faid three Weeks at the lequest of the said William: At which day at Westminster aforesaid came as well ne faid Matthew, by John Michel his Atorney, as the faid William, by John Alnhis Attorney : And the faid Matthew Declaration. whis faid Attorney complains, that the id William on the ninth Day of April the twelfth Year of the Reign of our overeign Lady Anne, now Queen of nat Britain, &c. at Chalvrington in the ounty aforesaid, in a certain Place there lled the Croft, took the Cattle, to wit, 8 wes and fix Lambs of the faid Matthew, d them unjustly detained against Gages d Pledges, &c. until, &c. Wherefore esaid Matthew says, that he is injured, d hath Damage to the Value of ten ounds: And thereupon he brings Suit, a and the faid William by his faid At- Imparlance. mey defends the Force and Injury, hen, &c. and prays Leave to imparle ereupon before our Lady the Queen unon the Octave of St. Hilary, wherefoet, &c. and has, &c. The same Day is ven as well to the faid Matthew as to the William, &c. At which Day before Imparlance I Lady the Queen at Westminster came continued.

Aa2

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as well the faid Matthew as the faid Wil liam by their Attorneys aforesaid: And upon this the faid William prays further Leave to imparl thereupon before our fai Lady the Queen, until from the Day of Easter in fitteen Days, wheresoever, & and has, &c. The fame Day is given well to the faid Matthew as to the faid Wi liam, &c. At which Day before our fai Lady the Queen at Westminster, came well the faid Matthew as the faid Willia by their Attorneys aforesaid: and upo Defendant says this the said William by his said Attorne fays, that he took the faid Cattle at Rin otherwise Ecklington, in the County afor

faid, without this, that he took the fa

Cattle at Chalvrington in the County afor

faid, as the faid Matthew Green by his fa

Declaration has above alledged: Andth

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that he took the Cattle in another Place.

Traverse.

he is ready to verify: Wherefore he pra Judgment of the faid Writ, and that t faid Writ and Declaration may be qualle Suggestion pro &s. And for having a Return of the fa Cattle the faid William as Bailiff of R bert Raines well acknowledges the Taki as Bailiff of of the said Cattle at Ripe, otherwise E R. R. makes lington in the County aforesaid, in acc Rent Arrear, tain Place called the Cony Earths; a justly, &c. because he says that the s Place called the Cony Earths contain and at the Time in which, &c. contain five Acres with the Appurtenances in faid Parish of Ripe otherwise Ecklingto

of which said five Acres of Land, with

Appurtenances, the faid Robert before

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R. R. feifed in Fee.

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faid Time in which, &c. was feifed in his Demelne as of Fee; and being so thereof seised before the said Time in which, &c. to wit, on the eighteenth Day of March in the Leases to eleventh Year of the Reign of our So-M. G. vereign Lady Anne now Queen of Great Britain, &c. at the Parish of Selmiston in the County aforesaid, the faid Robert Raines demised to one Matthew Green the rounger the faid five Acres with the Appurtenances, by the Name of all those wo Pieces or Parcels of Pasture called he Cony Earths, with the Appurtenances, ying and being in Ripe, otherwise Eckington aforefaid, To have and occupy the aid five Acres of Land with the Appurenances, whereof, &c. to the faid Matbeen Green the younger, from the Feast of the Annunciation of the Blessed Virin Mary then next enfuing, unto the End and Term of one whole Year, and o from Year to Year as long as it should lease both Parties: Yielding and paying herefore the yearly Rent or Sum of 50 s. f lawful Money of Great Britain, to be aid at the two most usual Feasts or Times f Payment in the Year, to wit, at the feast of St. Michael the Archangel, and he Annunciation of the bleffed Virgin Mary, by even and equal Portions; by Leffee enters. virtue of which faid Demise the said Mathew Green the younger afterwards, and efore the faid Time in which, &c. to it, on the twenty-fixth Day of March in he Year last abovesaid, entered into the Aa 3 faid

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faid five Acres of Land with the Appur tenances, whereof, &c. and was possessed thereof : And the faid Matthew Green th younger being so possessed thereof, and the faid Robert being seised of the Reven

fion of the faid five Acres of Land, with the Appurtenances, in his Demesne as a Rent Arrear. Fee; and because 50 s. of the faid Ren for one Year ended at the Feast of the An nunciation of the Bleffed Virgin Mary inth twelfth Year of the Reign of our Ladyth Queen of Great Britain, &c. were in Ar rear and unpaid to the faid Robert after tha Feast, and at the faid Time in which, & the faid William as Bailiff of the faid R bert, well acknowledges the Taking the fai Cattle in the faid Place in which, &c. asi Parcel of the faid Tenements, with the Appurtenances, whereof, &c. demised t the faid Matthew Green the Younger i Form aforefaid, and justly, &c. for the fai 50s. of Rent being in Arrear to the fai Robert in Form aforesaid, &c. And this h is ready to verify: Wherefore he pray Judgment, and a Return of the faid Ca tle, together with his Damages, Costs an Charges in this Behalf expended, according to the Form of the Statute in fuch Ca made and provided, to be adjudged to his EBC.

Day given for the Plaintiff to plead in Bar.

And upon this the faid Matthew pray Leave of the Court of our faid Lady present Queen here until from the Day St. Michael in three Weeks, wherefoeve &c. to plead in Bar of the faid Cognizano

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nd has, &c. The fame Day is given as well o the faid Matthew as to the faid William, in Befoze which Day our faid Lady the Death of the Dueen died, and our Sovereign Lord George Queen. he present King succeeded, and took upon imself the Government of this Kingdom: twhich said Return from the Day of St. he said Matthew as the said William by their ttorneys aforesaid: And the said Matthew Further Day lord the present King here until on the Oc-we of St. Hilary, where so ever, &c. to plead Bar of the said Cognizance, and has, &c. The same is given as well to the said Matbew as to the faid William, &c. At which id Return on the Octave of St. Hilary bere our faid Lord the King at Westminster me as well the faid Matthew as the faid filliam by their Attorneys aforefaid: And Further Day he said Matthew prays further Leave of given. e Court of our faid Lord the present ing here until from the Day of Easter in fieen Days, wherefoever, &c. to plead in ar of the faid Cognizance, and has, &c. he same Day is given as well to the said hith faid Return from the Day of Easter fifteen Days before our faid Lord the ing at Westminster came as well the faid latibew as the said William by their Atmeys aforesaid: And the said Matthew Further Day ays further Leave of the Court of our given. d Lord the present King here until on the A a 4

The Attorney's Practice

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the Morrow of the Holy Trinity, wherefor ever, &c. to plead in Bar of the faid Cognizance, and has, &c. The same Day is given as well to the faid Matthew as the faid William, &c. Anon which the faid Matthew being folemnly demanded, came makes Default not, nor did he further prosecute his faid

Judgment.

Plaintiff

Defendant prays a Writ of Inquiry.

Inquiry aavarded.

Writ : Therefore it is confidered, that the faid Matthew take nothing by his faid Writ but be in Mercy for his false Complain thereupon, and that the faid William go thereupon without Day, &c. and there upon the faid William, according to the Form of the Statute in fuch Case lately made and provided, prays the Writ of ou faid Lord the present King to be directed to the Sheriff of the County aforesaid, to inquire of the Arrears of the faid Rent, and of the Value of the Goods and Chattel above specified; and it is granted to him &c. Therefore it is commanded to the Sheriff of the County aforefaid, that ac cording to the Form of the faid Statute, by the Oath of twelve good and lawful Me of his County, he diligently inquire ho much of the faid yearly Rent was in At rear and unpaid, at the faid Time of th taking and distraining the faid Goods an Chattels, and how much the faid Good and Chattels fo as aforefaid taken and d strained were worth, according to the Va lue of them; and that the Sheriff shoul make appear here the Inquisition which &c. from the Day of St. Michael in thre Weeks, wherefoever, &c. under his Sea an

in the Court of King's Bench.

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and the Seals, &c. At which Day here came Return of Inthe faid William by his Attorney aforefaid, quiry. and the Sheriff, to wit, Sir 7. S. Baronet, now returns here a certain Inquisition taken before him at Eastgrinstead in the County aforesaid on the fifth Day of August last paft, by the Oath of twelve good and lawful Men, by which it is found, that at the Time of taking the faid Goods and Chattels, 50 s. of the faid yearly Rent in the faid Avowry mentioned were due to the faid William in Arrear, and were unpaid; and that the faid Goods and Chattels, fo as aforefaid taken and distrained, according to the true Value thereof were worth sos. Therefore it is considered, that the Judgment faid William recover against the faid Mat- thereon. thew the faid 50 s. of the Rent aforefaid. king found by the faid Inquisition in Form aforefaid, and his Damages by Occasion of the Premisses to nine Pounds, by the Court of our Lord the present King here adjudged to the said William, at his Request, for his Costs and Charges by him in this Behalf sustained, according to the Form of the

Statute thereupon lately made and provi-

ded: Which faid Value, Costs and Charges

in the whole amount to 14 l. &c.

Ingland, OUR Lord the King, and Lady Entry of Writto wit. O the Queen, fent to their of Error on a trusty and well-beloved the Mayor, Bailiffs Fudgment in and Deputy Steward of their Borough of Borough Court New Windsor, and to each of them their of Windsor. Writ close in these Words, to wit, William

and

and Mary, by the Grace of God, &c. To the Mayor, Bailiffs, and Deputy Steward of our Borough of New Windsor, and to each of them, Greeting : Because in the Record and Proceedings, and also in giving Tudgment of a Plaint which was before you in our Court of the Borough aforesaid without our Writ between John Butcher and Thomas Porter of Goods of the faid John taken and unjustly detained, as it is faid, manifest Error hath intervened to the great Damage of the said John, as on his Complaint we have been informed, w being willing that the Error, if any ha been, be in due manner corrected, and that full and speedy Justice be done to the faid Parties in this Behalf, command you that if Judgment be thereupon given, you then distinctly and openly fend to us unde your Seal the Record and Proceeding aforefaid, with all things touching the fame and this Writ, fo that we may have the on the Octave of St. Hilary, wherefore we shall then be in England, that inspec ing the Record and Proceedings aforefait we may cause further to be done there upon for correcting the faid Error, who of Right and according to the Law and Co stom of our Kingdom of England shall to be done. Witness ourself at Westmi fter the fourth Day of December in the cond Year of our Reign.

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The Execution of this Writ appears in Return. certain Schedule to this Writ annexed.

The Answer of the Mayor, Bailiffs and Deputy Stewards of the Borough of New Windfor in the County of Berks.

Borough of New Windsor, to wit, Dleas Placita.

the Court of Record of our Lord Wiliam and Lady Mary, by the Grace of God, England, Scotland, France and Ireland, ling and Queen, Defenders of the Faith, a of the Borough of New Windfor held the Guildball of the faid Borough within he same Borough on Monday, to wit, the inth Day of June in the second Year of their

leign, before Thomas Buck Gent. Mayor,

anuel Chapman and James Joyce, Bailiffs, d Thomas Staples, Esq; Deputy Steward

the faid Borough, by Virtue of Letters Court beld by atent of our Lord Charles the Second, late Letters Pa-

ing of England, &c. under the great Seal tent.
England in that Behalf made, &c. At Plaint.

is Court John Butcher comes in his pror Person, and affirms his certain Plaint ainst Thomas Porter in a Plea of taking

dunjustly detaining his Goods and Chat- Pledges to s, and finds Pledges to profecute the faid profecute.

aint, to wit, John Doe and Richard Roe, of prays the Process of the said Court to Precept.

made to him thereupon in the Plea afored; and it is granted to him, &c. by nich at the Prayer of the faid John Butcher,

in and by this fame Court now here held, is commanded to John Redman, Serjeant

Mace of the faid Borough, and a Mini-

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fter of the faid Court, that whereas 70h Butcher grievously complaining, has shewn that one Thomas Porter, at New Windfor and within the Jurisdiction of the Cour of the faid Borough, took his Goods an Chattels, to wit, fixteen Pewter Plate fourteen Pewter Dishes, and seventeen Pipe of strong Beer and Ale, and unjustly detain ed them against Gages and Pledges, asiti faid; and because the said John has foun fufficient Security as well to profecute h Plaint as to return the faid Goods an Chattels, if a Return thereof should beat judged against him in the faid Coun To replevy the Therefore on the Behalf of our Lord the King, and Lady the Queen, it is command

Goods.

And Summon Defendant,

ed to the faid Serjeant at Mace of the fa Borough, and Minister of the said Cour that he cause the said Goods and Chatte to be replevied and delivered to the fa John Butcher, and that he fummon the faid Thomas Porter, that he be before t Mayor, Bailiffs, and Deputy Steward the faid Borough, at the next Court our faid Lord the King, and Lady t Queen, of the faid Borough to be held Virtue of the faid Letters Patent, at and the Guildhall of the same Borough on M day, to wit, the 16th Day of the faid Mon of June, to answer the said John Butch in the Plea aforesaid: The same Day given to the said John Butcher here, At which faid next Court of our faid Lo the King, and Lady the Queen, of Borough aforefaid, held by Virtue of

Precept returned.

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faid Letters Patent on the faid 16th Day of fune in the fecond Year aforesaid, here, n and at the Guildball of the Borough foresaid, before the said Thomas Buck, Mayor, S. Chapman and James Joyce, Baiiffs, and Thomas Staples, Esq; Deputy Steward of the faid Borough, the faid Fohn Butcher comes in his proper Person, and he said Serjeant at Mace of the said Boough, and Minister of the faid Court, now ere returns the faid Precept directed to im in Form aforesaid, in all things served nd executed, to wit, that he by Virtue f the faid Precept directed to him in Form forefaid, had caused the Goods and Chatels, which the faid Thomas Porter had aken, to be delivered to the within named John Butcher, and summoned the faid Thoas Porter, that he should be at the said Day and Place in the faid Writ contained, answer to the said John Butcher in the lea aforesaid, as it was commanded to in: and thereupon in this same Court Warrant of ow held here the faid John Butcher puts Attorney for his Place P. C. his Attorney against the Plaintiff. id Thomas Porter of the Plea aforesaid: nd the said Thomas Porter puts in his Place For Defendant. M. his Attorney against the said John ucher of the Plea aforefaid: Apon which, Dies dat. ad this same Court now held here the said Narrand. ohn Butcher, by his Attorney aforefaid, ays Leave to declare upon his faid Plaint the Plea aforefaid against the said Thoas Porter here, until to the next Court our faid Lord the King, and Lady the

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Queen, of the Borough aforesaid, to be held by Virtue of the faid Letters Patent. at and in the Guildhall of the faid Borough on Monday, to wit, the 23d Day of the fame Month of June in the fecond Year aforefaid, before the Mayor, Bailiffs, and De puty Steward of the faid Borough, and has it, &c. The same Day is given to the

dat'.

Dies ulterius faid Thomas Porter here, &c. At which faid next Court of our faid Lord the King, and Lady the Queen, of the Borough afore faid, held by Virtue of the faid Letters Pa tent on the faid 23d Day of April in the fe cond Year aforefaid here, to wit, at and in the Guildhall of the Borough aforesaid, be fore the faid Thomas Buck, Gent. Mayord the faid Borough, S. C. and 7. 7. Bailiffs and Thomas Staples, Efq; Deputy Steward of the faid Borough, come as well the faid John Butcher as the faid Thomas Porter, b their Attorneys aforesaid; And the said John Butcher prays further Leave to de clare upon his faid Plaint in the Plea afore faid against the faid Thomas Porter, until t the next Court of our faid Lord the King and Lady the Queen, of the Borough afore faid, to be held by Virtue of the faid Le ters Patent here, at and in the Guildball the faid Borough on Monday, to wit, th 30th Day of this present Month of 7th in the fecond Year aforesaid, before the Mayor, Bailiffs, and Deputy Steward the faid Borough, and has it, &c. The fam Day is given to the faid Thomas Porter her Ge. At which faid next Court of our fai

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Lord the King, and Lady the Queen, of the Borough aforefaid, held by Virtue of he faid Letters Patent on the faid 30th Day of the Month of January in the second Year aforesaid here, to wit, at and in the Guildball of the faid Borough, before the faid Thomas Buck, Gent. Mayor, S.C. and 7.7. Bailiffs, and Thomas Staples, Efq; Deputy Steward of the faid Borough, comes as well he said John Butcher as the said Thomas Porter, by their Attorneys aforesaid; and he said John Butcher now declares upon his faid Plaint against the faid Thomas Porer in these Words, to wit, Bozouth of Declaration. Mew Clindon, to wit, John Butcher complains against Thomas Porter in a Plea, wherefore he took the Goods and Chattels of the faid John, and unjustly detained them against Gages and Pledges, &c. And whereupon the faid John, by P. C. his Attorney, complains for that, to wit, that the faid Thonas on the 22d Day of July in the fecond Yar of the Reign of our Sovereign Lord Villiam, and Sovereign Lady Mary, now ling and Queen of England, at New Windm, in a certain Place there called the House of Richard Sambee, within the Jurisdiction of this Court, took the Goods and Chatels of the faid John, to wit, fixteen Pewter Plates, fourteen Pewter Dishes, and seventen Pipes of strong Beer and Ale of the aid John, and unjustly detained them aainst Gages and Pledges, until, &c. Wherebre the faid John faith that he is injured, nd hath Damage to the Value of 50 l. And

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thereupon he brings Suit, &c. And there upon at this same Court now held her the faid Thomas Porter comes and defend the Force and Injury, when, &c. and prays Leave thereupon to imparl here un til to the next Court of our Lord the King and Lady the Queen, of the Borough afore faid, to be held by Virtue of the faid Let ters Patent, in and at the Guildhall of th faid Borough on Monday, to wit, the ele venth Day of the same Month of Augusti the second Year aforesaid, before the Mayo Bailiffs, and Deputy Steward of the fai Borough, and has it, &c. The fame Da is given to the said John Butcher her Ge. At which faid next Court of or Lord the King, and Lady the Queen of the Borough aforefaid, held by Vi tue of the faid Letters Patent on the fai eleventh Day of August in the second Ye aforefaid here, to wit, at and in the Gull ball of the faid Borough, before the fa Thomas Buck, Gent. Mayor, S.C. at 7. 7. Bailiffs, and Thomas Staples, El Deputy Steward of the faid Borough, com as well the faid John Butcher as the fa Thomas Porter, by their Attorneys afor faid; and the faid Thomas Porter then a there in this same Court of our faid Lo the King, and Lady the Queen, furth prayed Leave to imparl thereupon he until to the next Court of our faid Lo the King, and Lady the Queen, of the rough aforesaid, to be held by Virtue

the faid Letters Patent, at and in the Gui

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all of the same Borough, on Monday, to wit,

he 18th Day of the same Month of Auof in the second Year aforesaid, before the Mayor, Bailiff, and Deputy Steward of he same Borough; and has it, &c. The ame Day is given to the faid John Butcher ere, &c. At which faid next Court of our aid Lord the King, and Lady the Queen, f the Borough aforefaid, held by Virtue f the faid Letters Patent on the faid 18th Day of August in the second Year aforeaid here, to wit, at and in the Guildhall of he said Borough, before the said Thomas ack, Gent. Mayor, S. C. and 7. 7. Baifs, and Thomas Staples, Efq; Deputy neward of the faid Borough, comes as well ne said John Butcher as the said Thomas Porter, by their Attorneys aforelaid: All Plea, Property he said Thomas Porter says, that the said in a Stranger. whn Butcher ought not to have or maintain Salk. 5. is faid Action thereupon against him, betule he fays, that at the Time the taking ne faid Goods and Chattels is supposed to edone, the Property of the said Goods nd Chattels was in one Roger Sambee yet Being, and not in the said John Butcher: and this he is ready to verify: Wherefore eprays Judgment, and a Return of the id Goods to be adjudged to him, &c. pon which at the same Court now here Dies dat' ad eld the said John Butcher prays Leave to Replicand. ply thereto here, until to the next Court our faid Lord the King, and Lady the veen, of the Borough aforesaid, to be eld by Virtue of the faid Letters Patent,

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in and at the Guildhall of the faid Borough on Monday, to wit, the 25th Day of the fame Month of August in the second Year aforesaid, before the Mayor, Bailiffs, and

dat'.

Deputy Steward of the faid Borough, and he has it, &c. The fame Day is given to Dies ulterius the faid Thomas Porter, here, &c. At whit faid next Court of our faid Lord the King and Lady the Queen, of the Borough afore faid, held by Virtue of the faid Letter Patent on the faid 25th Day of August i the fecond Year aforesaid here, to wit, a and in the Guildhall of the faid Borough before the faid Thomas Buck, Gent. Mayor S. C. and 7. 7. Bailiffs, and Thomas Staple Efq; Deputy Steward of the faid Borough comes as well the faid John Butcher as the faid Thomas Porter, by their Attorneys afor faid: And the faid John Butcher prays fu ther Leave to reply here, until to the ner Court of our faid Lord the King, and Lad the Queen, of the Borough aforesaid, be held by Virtue of the faid Letters P tent, at and in the Guildhall of the fai Borough on Monday, to wit, the 8th Da of September in the second Year of the Reig of our faid Sovereign Lord and Lady Wi liam and Mary, now King and Queen England, &c. before the Mayor, Bailing and Deputy Steward of the Borough afor faid; and he has it, &c. The fame Day given to the faid Thomas Porter here, & At which faid next Court of our faid Lo the King, and Lady the Queen, of the B rough aforesaid, held by Virtue of the sa Lette

letters Patent on the faid Monday, to wit, Day of September in the Year he foresaid, here, to wit, at and in the Guildall of the faid Borough, before the faid homas Buck, Gent. Mayor, S. C. and f. Bailiffs, and Thomas Staples, Efq; Deuty Steward of the faid Borough, comes s well the faid John Butcher as the faid homas Porter, by their Attorneys aforeid: And the faid John Butcher fays, that Demurrer. ne faid Plea, by the faid Thomas Porter bove pleaded, and the Matter therein conined, are not sufficient in Law to bar the id Fobn Butcher from having his faid Acon thereupon against the said Thomas Porr; and that he the faid John Butcher has need, nor is he bound by the Law of eLand in any manner to answer thereto: nd this he is ready to verify: Wherefore Default of a sufficient Plea in this Bealf the said John Butcher prays Judgment, d his Damages, by occasion of the said respass, to be adjudged to him, &c. Apon Dies dat' ad hich at this same Court now held here on jungend'. e fame Day of September in the tond Year aforesaid, the said I bomas nter prays Leave to join in Demurrer re, until to the next Court of our faid ord the King, and Lady the Queen, of e Borough aforefaid, to be held by Virof the faid Letters Patent, at and in e Guildhall of the faid Borough on Mony, to wit, the fixth Day of October in the cond Year of the Reign of our Sovereign ord William, and Sovereign Lady Mary, B b 2

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now King and Queen of England, &c. be. fore the Mayor, Bailiffs, and Deputy Stew. ard of the faid Borough; and he has it, &. The same Day is given to the said John

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Dies ulterius Butcher here, &c. At which faid next Coun of our faid Lord the King, and Lady the Queen, of the Borough aforesaid, held by Virtue of the faid Letters Patent on the faid Monday, to wit, on the fixth Day of October in the second Year aforesaid here to wit, at and in the Guildhall of the faid Borough, before the faid Thomas Buck Gent. Mayor, S. Chapman and 7. Joyce Bailiffs, and Thomas Staples, Efq; Deput Steward of the faid Borough, comes as we the said Thomas Porter as the said John Butcher, by their Attorneys aforefaid; And the faid Thomas Porter prays further Leav to join in Demurrer here, until to the nex Court of our faid Lord the King, and Lad the Queen, of the Borough aforesaid, t be held by Virtue of the faid Letters Pa tent, at and in the Guildhall of the faid Bo rough on Monday, to wit, the 20th Day October in the second Year aforefaid; an

Mayor, &c. removed, and new Officers shofen.

he has it, &c. The same Day is given t the said John Butcher here, &c. And after wards, to wit, on the same fixth Day October in the second Year aforesaid, t faid Thomas Buck, Mayor of the faid B rough, 7. Toyce, one of the Bailiffs of the faid Borough, and Thomas Staples, El Deputy Steward of the faid Borough, we in due manner amoved from their faid i veral and respective Offices; and one M

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is Brush, Gent. was in due manner choen and put into the faid Office of Mayor f the faid Borough, N. Meystour was in me manner chosen, and put into the Office f one of the Bailiffs, and William Peifly, iq; was chosen, and put into the Office of Deputy Steward of the faid Borough for ne intire Year then next enfuing, by Virue of the faid Letters Patent: At which Dies ulterius aid next Court of our faid Lord the King, dar'. nd Lady the Queen, of the Borough aforeaid, held by Virtue of the faid Letters atent on the faid Monday, to wit, on the oth Day of October in the fecond Year foresaid, here, to wit, at and in the Guildall of the faid Borough, before the faid loses Brush, Gent. Mayor, S. C. and N. leyflour, Bailiffs, and William Peifly, Efq; eputy Steward of the faid Borough, comes well the faid Thomas Porter as the faid ohn Butcher, by their Attorneys aforeid: And the said Thomas Porter prays ither Leave to join in Demurrer here, ntil to the next Court of our faid Lord the ing, and Lady the Queen, of the Boough aforefaid, to be held by Virtue of telaid Letters Patent, at and in the Guild-Nof the faid Borough on Monday, to wit, third Day of November in the said se-nd Year of the Reign of our said Lord d Lady the present King and Queen, a before the Mayor, Bailiffs, and Dety Steward of the faid Borough; and he sit, &c. The same Day is given to the id John Butcher here, &c. At which faid Foinder in B b 3

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next Court of our faid Lord the King, and Lady the Queen, of the Borough aforesaid held by Virtue of the faid Letters Patent of the faid Monday, to wit, on the third Dayo November in the second Year aforesaid here to wit; at and in the Guildball of the fai Borough, before the faid Mofes Brush, Gen Mayor, S. C. and N. M. Bailiffs, and Wil liam Peifly, Efq; Deputy Steward of th faid Borough, comes as well the faid The mas Porter as the faid John Butcher, by thei Attorneys aforesaid: And the said Thoma Porter fays, that the faid Plea by him th faid Thomas Porter pleaded, and the Ma ter therein contained, are good and fuff cient in Law to bar the faid John Butche from having his faid Action thereupon gainst him the faid Thomas Porter: An because the said John Butcher does not an fwer to the faid Plea, nor as yet any way deny the same, the said Thomas Porter before prays Judgment, and that the fa John Butcher may be barred from having his faid Action thereupon against him the Enradvifar. faid Thomas Porter, &c. But because Court of our faid Lord the King, and Lad the Queen here, are not yet advised of ving their Judgment of and upon the Pr misses, a Day is thereupon given to the fa Parties here, until to the next Court of o faid Lord the King, and Lady the Quee of the Borough aforesaid, to be held Virtue of the faid Letters Patent, at a in the Guildhall of the faid Borough Monday, to wit, the 17th Day of Nove

vult.

er in the second Year aforesaid, before the Mayor, Bailiffs, and Deputy Steward of he faid Borough, to hear their Judgment hereupon; for that the same Court of our aid Lord and Lady the present King and Queen here are not yet, &c. At which said Fudgment for ext Court of our faid Lord the King, and the Defendant. ady the Queen, of the Borough aforefaid, eld by Virtue of the faid Letters Patent on he said Monday, to wit, on the 17th Day of Wovember in the second Year aforesaid, ere, to wit, at and in the Guildhall of the aid Borough, before Moses Brush, Gent. Mayor, S. C. and N. M. Bailiffs, and Wiliam Peifly, Esq; Deputy Steward of the aid Borough, comes as well the faid 7ohn Butcher as the said Thomas Porter, by their Attorneys aforefaid; and upon this the Premisses being seen and fully understood y the faid Court here, it seems to the Court here, that the faid Plea by the faid bomas Porter in Form aforesaid pleaded, nd the Matter therein contained, are good nd sufficient in Law to bar the said John Butcher from having his faid Action therepon against the said Thomas Porter: It is herefore confidered by the faid Court, that he said John Butcher take nothing by his aid Declaration, but that he be in Mercy or his false Clamour thereupon, and that he faid Thomas Porter go thereupon without Day, and that he have a Return of the Return irreaid Goods and Chattels to hold to him ir- plegiable. eplegiable for ever, &c.

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Trinity Term in the Twelfth Year of the Reign of K. William the Third in C. B.

Count in Replevin for taking the Plaintiff' Cattle.

in Abatement.

Plea, Property A DD the faid Edward and Sarabby in a Stranger W. L. their Attorney come and de fend the Force and Injury, when, & and fay, that at the Time in which the Taking the faid Cattle is supposed to b done, the Property of the faid Cattle wa in one Stephen Hewes, who is yet in Bein and alive, to wit, at H. aforefaid, in th County aforesaid, without this, that the Property of the faid Cattle at th Time of the Taking them, was in th faid Fonathan Maynard, as he by his Wri and Declaration aforefaid above supposes And this they are ready to verify: Where

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habend. Cognizance 45 Bailiff, Da-

and Declaration, and a Return of th faid Cattle to be adjudged to them, & Pro Retorn' and for having a Return of the faid Cal tle the said Edward and Sarab, Bailiffs A. B. and C. B. well acknowledge th mage Feafant. Taking the faid Cattle in the faid Place in which, &c. called Hebron, and justly &c. because they say, that the said Place called Hebron contains, and at the fai Time in which the Taking the faid Ca tle is supposed to be done, contained in fel

fore they pray Judgment of the faid Wri

of forty Acres of Pasture with the Apurtenances in Kingstborp in the County foresaid; which said forty Acres of Paure with the Appurtenances are, and at he faid Time in which, &c. were the Soil nd Freehold of the faid A. B. and C. B. and because the faid Cattle at the faid time in which, &c. were in the faid Place alled Hebron aforefaid eating the Grass hen growing there, and doing Damage here, the faid Edward and Sarab as Baifs of the faid A. B. and C. B. well acnowledges the Taking the faid Cattle in he faid Place in which, &c. and justly, in fo doing Damage there; Wherefore ney pray Judgment and a Return of the id Cattle to be adjudged to them, &c.

and the faid Jonathan Maynard fays Replication, athis said Writ and Declaration aforesaid Property in ught not to be quashed, because he says Plaintiff. at the Property of the faid Cattle at e faid Time of Taking them, was in e said Jonathan Maynard, in Manner d Form as he by his faid Writ and Dearation has thereupon above alledged, wit, at Hebron aforesaid in the County foresaid: And he prays that this may Issue: inquired of by the Country: and the id Edward and Sarab do fo likewife: It therefore commanded to the Sheriff,

and the faid W. by H. S. his Attorney Conusance as mes and defends the Force and Injury, Bailiff. hen, &c. and as Bailiff of M. G. well acknow-

at he cause to come, &c.

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acknowledges the taking the faid Cattle in the faid Place in which, &c. and justly, 83c. because he fays that the same Place in which the Taking the faid Cattle is supposed to be done, contains, and at the faid Time in which the Taking the faid Cattle is supposed to be done contained in itself forty Acres of Land with the Appurtenances in L. aforesaid and that long before the faid Time in which, &c. the faid F. was feised of the faid forty Acres of Land with the Ap purtenances, whereof the faid Place in which, &c. is Parcel, in his Demefne a of Fee, and held the faid forty Acres of Land with the Appurtenances of the fair M. as of his Manor of B. in the Count of S. aforesaid, by Fealty, Suit of Court Rent of twelve Shillings and Six-peno every Year, to be paid yearly at the Feat of St. Michael; of which Services the fai M. was feifed by the Hands of the faid as by the Hands of his true Tenant, to wit of the Fealty, Suit of Court, and of the faid Rent, in his Demesne as of Fee For Rent Ser- And because five Pounds twelve Shilling and Six-pence of the aforefaid Rent for nine Years, ended at the Feast of S Michael in the twenty-fixth Year of the Reign of our faid Lord the present Kin were in Arrear and unpaid to the faid I at the faid Time in which, &c. the fa W. as Bailiff of the faid M. well acknow ledges the Taking the faid Cattle in the faid Place in which, &c. and justly, &

vice.

or the faid five Pounds twelve Shillings nd Six-pence, so being in Arrear in Form foresaid, as in Parcel of the said Land eld of the faid M. in Form aforefaid, and within the Fee, &c. And this he is ready o verify: Wherefore he prays Judgment nd a Return of the faid Cattle to be ad-

udged to him, &c.

and the faid F. fays, that the faid M. Bar not feifed as not feifed of the faid Services by the of the Rent. Hands of the faid F. as by the Hands of is true Tenant, as the faid W. has bove alledged: And this he is ready overify: Wherefore for this that faid Villiam above acknowledges the Taking he faid Cattle in the faid Place in hich, &c. the faid F. prays Judgment nd his Damages, by Occasion of the Taking and unjustly Detaining the faid Cattle, to be adjudged to him, &c.

and the faid W. as before fays, that Iffue. he faid M. was feised of the faid Serices by the Hands of the faid F. as by he Hands of his true Tenant, as he the aid W. has above alledged: And of this e puts himself upon the Country: and Issue. he said F. does so likewise: It is thereone commanded to the Sheriff, that he Venire aause to come here from the Day of the warded. loly Trinity in three Weeks, twelve, &c. whom, &c. and who neither, &c. to ake Cognizance, &c. because as well,

The Attorney's Practice

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Michaelmas Term in the twenty-fixth Year of the Reign of King Charles the Second.

pals entering Plaintiff's Closes, eating Corn with Catsle, cutting down two Oaks, and carrying away the Timber.

B. R. Decla Somerset, Gabert Brown, Esq; complaint vation in Tref to wit, of Robert Dymond, William Dymond, and Henry Dawes being in the Custody of the Marshal, &c. and consuming that, that on the twenty-first Day bis Grass and of January in the Year of our Lord 1672. with Force and Arms, &c. the broke and entered the Closes of the faid Gilbert called the Easter twelve Acres the Wester twelve Acres, and Owels, a the Parish of Camington in the County a foresaid, and with their Feet in Walking trod down and confumed the Grass of the faid Gilbert to the Value of one hundred Shillings, lately growing in the faid Closes and with certain Cattle, to wit, Horse Oxen, Cows, Hogs and Sheep, eat up trod down, and confumed other Graff and the Corn of the faid Gilbert, to wil Wheat, Barley, Pease, Beans and Oats to the Value of forty Pounds, also latel growing in the faid Closes, and also the and there cut down and fell'd the Tree to wit, two Oaks of the faid Gilbert late ly growing in the faid Closes, to the Va lue of five Pounds, and also then an there took and carried away two Car Loads of Timber arising therefrom to the Continuan- Value of forty Shillings, continuing th

do.

in the Court of King's Bench.

ad Trespass as to the Eating up, Treadag down and Confuming the faid Grafs nd Corn with Feet in Walking, and ith the faid Cattle in the faid Closes on ivers Days and Times from the faid twenwhilt Day of January in the Year of ur Lord aforefaid, until the Day of exibiting of this Bill, to wit, the twentyhird Day of October in the twenty-fixth lear of the Reign of our Sovereign lord Charles the Second now King of ingland, &c. and did other Injuries to in against the Peace of our faid Lord e present King, to the Damage of the aid Gilbert of fifty Pounds: And therepon he brings Suit, &c.

Jark with the Plaintiff, mleigh with the De- Pledges, &c. fendant,

and the faid Robert Dymond, William Plea. ymond and Henry Dawes, by Ferdinand urleigh their Attorney, come and dend the Force and Injury, when, &c. nd as to the coming with Force and Quoad verms, or what soever is against the Peace nire vi & our faid Lord the present King, say armis, at they are Not guilty thereof: And Not guilty. this they put themselves upon the ountry: And the faid Gilbert Browne does Ifine, likewise: and as to the Residue of As to the Ree said Trespass in the said Declaration sidue. we supposed to be done, the said Ro-Actio non, william and Henry say, that the &cc. d Gilbert ought not to have or main-

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Be ause the Closes were the Freehold of one H. B.

And Defendants as her Servants, and by ber Com-

tain his faid Action thereupon against them because they fay, that the said Closes, i which the faid Trespass is above suppose to be done, are, and at the faid Time i which, &c. were the Soil and Freehold one Helen Bourne, Widow, by which th faid Robert, William and Henry as Se vants of the faid Helen, and by her Com mand, at the faid Time in which, & mand entered, broke and entered the faid Closes in which &c. as the proper Closes, Soil and Free hold of the faid Helen, and with the Feet in walking trod down and confume the faid Grass growing in the faid Clos as the proper Grass of the said Helen, an with Cattle eat up, trod down, and con fumed the faid Grass and Corn growing in the faid Closes, as the proper Gra and Corn of the faid Helen, and then ar there cut down and felled the faid to Oaks growing in the faid Closes as the proper Trees of the faid Helen, and the and there took and carried away the Tit ber arifing therefrom as the proper Tit ber of the faid Helen, continuing t Eating up, Treading down, and Confumi the Grass and Corn in the faid Clo at the faid divers Days and Times by t Time in the faid Declaration aboveme tioned, as it was lawful for them: A this they are ready to verify: Wherefor they pray Judgment if the faid Gib ought to have or maintain his faid Acti thereof against them. 70. Tremay

and the faid Gilbert fays, that he by Replication, y thing by the faid Robert, William That the Closes Henry above by Pleading alledged were the Freeight not to be barred from having his Plaintiff. id Action thereof against them the faid wert, William, and Henry, because he ys, that the faid Closes called the Easter welve Acres, the Wester Twelve Acres, d Owels, at the faid Time in which, and at the faid other Days and Times the faid Declaration above mentioned, ere the proper Soil and Freehold of the d Gilbert; And that the faid Robert, illiam and Henry, of their own proper jury, at the faid Time in which, &c. oke and entered the faid Closes, and th Feet in Walking trod down and conned the faid Grafs, and with Cattle eat trod down, and confumed the faid Grass Corn of the faid Gilbert, and cut down delled the faid two Oaks, and took and ried away the Timber arising therem, continuing the faid Trespass as to Eating up, Treading down, and Conning the faid Grass and Corn in the Closes, at the faid divers Days and mes by the faid Time in the faid Declaion above mentioned, in Manner and m as the faid Gilbert above complains mof against them; without this, that Traverse. faid Closes, in which the faid Trespass bove supposed to be done, are, and the faid Time in which, &3c. were the and Freehold of the faid Helen Bourne, low, in Manner and Form as the faid Robert

Robert, William and Henry have above b Pleading alledged : And this, &c. Where fore, &c.

Henry Pollexfe

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Infant admitted to fue by prochein Amy.

Stafford, TT is granted by the Court her to wit, I that Jane Harding, Widow fue for Charles Harding, who is under the Age of one and twenty Years, as ne Friend of the faid Charles, against Pa Wood, of a Plea of Trespass and Assault

Warrant of Attorney for the Defendant.

Stafford, to wit, Peter Wood puts in Place Peter Cottingham, his Attorney, gainst Charles Harding, of the Plea afor faid.

Memorandum, Declaration of a precedent Term.

Stafford, to wit, Be it remembered, the heretofore, to wit, in the Term of Michael last past, before our Lady ! Queen at Westminster came Charles Ha ing who is under the Age of one and two ty Years, by Jane Harding his next Frie hereunto specially admitted by the Cou and brought into the Court of our Lady the Queen then there, his cert Bill against Peter Wood being in the Cul dy of the Marshal, &c. of a Plea of Ti pass and Assault; and there are Pledge the Profecution, to wit, John Doe, Richard Roe; which faid Bill follows these Words, to wit, Stafford, to an Affault and Charles Harding, who is within the Ag

Declaration by an Infant for Battery.

int ff can one and twenty Years, by Jane Har lefter's, an his next Friend, hereunto specially OL. I mi

mitted by the Court, complains of Peter Wood being in the Custody of the Marhal, &c. for that he on the first Day of Offober in the fixth Year of the Reign of our Lady the present Queen, with Force and Arms, to wit, with Swords, Staves and Knives, made an Affault upon the aid Charles at Slowe in the County aforeaid, and beat, wounded, and evilly reated him, fo that his Life was greatly espaired of, and then and there did oher Injuries to him against the Peace of ur said Lady the present Queen, to the Damage of the faid Charles of fifty Pounds: and thereupon he brings Suit, &c.

and now at this Day, to wit, on Friby next after the Octave of St. Hilary in his same Term, until which Day the said ter Wood had Leave to impart to the faid ill, and then to answer, &c. before our lady the Queen at Westminster came as ell the faid Charles by his faid next riend, as the faid Peter Wood by Peter Cotugbam his Attorney, and the faid Peter Plea. and defends the Force and Injury, when, Quoad vi and as to the coming with Force and cul. rms, or whatever that is against the Peace. our faid Lady the present Queen, and the Wounding of the faid Charles arding, the said Peter says that he is not ity thereof: And of this he puts him-I upon the Country: and the faid Ifue thereon.

arles does fo likewise: and as to the As to the Reantificame into a Stable (in the County of Chester) of Defendant's after s, and frightened the Horses.

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Residue of the said Trespass and Assaul above supposed, the said Peter says, that the faid Charles ought not to have o maintain his faid Action thereupon again him, because he says, that one Edwar Minstul, Esq; long before the faid Time i which the faid Trespass and Assault is a bove supposed to have been done, an also at the said Time in which, &c. w possessed of a Stable in Nantwich in the County of Chefter, in which faid Stabl the faid Edward, at the Time in which &c. kept his Horses; and the said Edward being so thereof possessed, the said Charle at the faid Time in which, &c. the fai Trespass is above supposed to have bee done, to wit, on the faid first Day of 0 tober in the fixth Year aforesaid, at Nam wich aforesaid in the County aforesaid with Force of Arms and against the Wi of the faid Edward entered into the St ble of the faid Edward in and upon the Possession of the said Edward, and d sturbed the faid Edward in the quiet Po fession thereof, and disturbed, frightene and startled certain Horses of the said E ward then being in the faid Stable; upo which the faid Peter then being a Serva of the faid Edward, and having the Ca of the faid Stable and of the faid Horses the faid Stable, by the Command of the faid Edward his Master, and by his Orde at the same Time in which, &c. came the faid Charles then being in the fa Stable, and requested him, that he would

go out of the faid Stable and do no furher Damage in the faid Stable; and the aid Charles then would not go out of the aid Stable; whereby the faid Peter at the And Defename Time in which, &c. as Servant of dant to put he said Edward, and in Defence of his liter manus Possession of the faid Stable and of his imposuit. Horses then being in the said Stable, and compel the faid Charles to go out of the aid Stable then and there foftly put his lands upon the faid Charles then being the faid Stable, to put the faid Charles ut of the faid Stable, as it was lawful for in; which are the same Residue of the respass and Assault aforesaid, whereof e faid Charles now above complains, ithout this, that the faid Peter is guilty Traverse of the the Trespass and Assault aforesaid, at Trespass and one aforesaid, or elsewhere out of Nant- Affault. it aforesaid in the County of Chester; nd this he is ready to verify: Wherete he prays Judgment if the faid Charles ght to have or maintain his faid Action ereupon against him, &c. and the faid Charles fays, that he, by any Replication de

ing by the faid Peter above by Pleading injuria fua edged, ought not be barred from having propria. faid Action thereupon against him, bele he fays, that the faid Peter of his own per Injury, without such Cause as by the faid Peter is above by Pleading edged, made an Assault upon the said trles, and beat, wounded, and evilly ated the faid Charles in Manner and m as the faid Charles above complains

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The Attorney's Practice

Iffue. Suggestion are triable in Chefter.

Award of Mittimus to the County Palatine. Vide Thef. brev. 164.

against him: And this he prays may be inquired of by the Country; and the faid Peter does so likewise: and because that the Isues the several Issues between the faid Par ties above joined ought to be tried by Men of the County Palatine of Chefter Writ of our Lord th the King does not go, and not elsewhere Therefore the Record of the faid Plain is fent to the Justices of our Lad the Queen of the faid County of Ch fter, fo that the faid Justices, by Wr of our Lady the Queen of the Cou ty duly to be made, cause it to commanded to the Sheriff of the fan County, that he cause to come before t Tuffices of our faid Lady the Queen the County of Chester aforesaid, at t next Affizes for that County after t faid Record shall be delivered to the twelve free and lawful Men of the Bo of the County Palatine aforesaid; whom, &c. and who neither, &c. to cognize, &c. because as well, &c. and wh those Issues shall be tried, that then faid Justices fend the Record of the Plaint, with all that shall be done the upon before them in the faid Court of faid Lady the Queen there to our Lady the Queen at Westminster, at a tain Day which the faid Justices of faid County Palatine shall prefix to faid Parties in the same Court there, hear their Judgment thereupon, &c.

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Easter Term in the Fifteenth Year of the Reign of King George the Second.

Cooke.

owit. NATHANIEL Colftock late of C.B. Decla-Ryegate in the faid County, ration by an Infant in Af-Malster, was attached to answer to Wil- fault and iam Wood in a Plea, wherefore with Force Battery. nd Arms he affaulted the faid William at Ryegate aforesaid in the said County, and eat, wounded and ill treated him, fo that is Life was greatly dispaired of, and did ther Wrongs to the faid William, to the reat Damage of the faid William, and aainst the Peace of our Lord the King, and whereupon the faid William, who an Infant under the Age of twenty-one lears, by John Wood (his Father) his next riend admitted by the Court here for that urpose, complains that the said Nathaniel n the fifteenth Day of April in the Year four Lord one thousand seven hundred nd forty-two, with Force and Arms, to it, Swords, Staves, Knives and Whips, faulted the faid William at Ryegate aforeid in the County aforesaid, and beat, ounded and ill treated him, so that his ife was greatly despaired of, and did other rongs to the faid William, to the great amage of the said William, and against e Peace of our faid Lord the King; Cc3

The Attorney's Practice

whereby the faid William fays that he is injured, and hath Damage to the Value of one hundred Pounds: And thereupon he brings Suit, &c.

Michaelmas Term in the 13th Year of King George the Second.

Cooke.

Declaration for keeping a Dog that worried the Plaintiff's Sheep.

suffex, I. W. late of ——in the faid Counto wit. ty ——was attached to answer to H. B. Efq; in a Plea of Treffals on the Case, &c. And whereupon the faid Henry by his Attorney complains, that whereas the said Foseph on the 25th Day of March in the Year of our Lord 1739, ataforesaid, did keep a Dog, well knowing that the faid Dog was used and accustome to bite and worry Sheep; which Dog f kept by the faid Foseph as aforefaid on the fame Day and Year, at Wivelsfeild afore faid, did bite and worry divers Sheep and Lambs, to wit, thirty Sheep and thirty Lambs of the faid Henry, fo that Part of those Sheep and Lambs of the faid Henry to wit, four Sheep and two Lambs of the Price of fix Pounds died thereof, and the Re fidue of those Sheep and Lambs were ver much injured, damaged and leffened in Va lue: And whereas the faid Foseph on th faid 25th Day of March in the Year afore faid, at Wivelsfeild, did keep a Bitch, we knowing that the faid Bitch was used an accustomed to bite and worry Sheep; which faid

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foresaid on the same Day and Year, at swelsseild aforesaid, did bite and worry swers other Sheep and Lambs, to wit, birty other Sheep, and thirty other Lambs the said Henry, so that Part of those heep and Lambs of the said Henry, to wit, our Sheep and two Lambs of the Price of a Pounds died thereof, and the Residue sthose Sheep and Lambs were very much stend in Value, to the Damage of the said terry of 201. And thereupon he brings in, &c.

the Term of the Holy Trinity in the Ibirteenth and Fourteenth Years of the Reign of our Sovereign Lord King George the Second.

Roll

Anthony and Bigge.

Exit is remembered, that on Wed-Memoranwit. Be it remembered, that on Wed-Memoranwit. Be nessed next after the Morrow dum of the
the Holy Trinity in this same Term be-same Term,
tour Sovereign Lord the King at Westsper cometh John Cape by Capel Bilsper cometh John Cape by C

The Attorney's Practice

Declaration for a Trespass in entering Plaintiff's Close, cutting and carrying away Reeds.

is to fay, John Doe and Richard Roe; which faid Bill followeth in these Words, to wit, Effex, to wit, John Cape complains of James Smyth, Esq; in the Custody of the Marshal of the Marshalsea of our Lord the King before the King himself, for that the faid James on the first Day of December in the Year of our Lord 1737, and a divers other Days and Times between that Day and the Day of exhibiting of this Bill with Force and Arms broke and entered the Close of the faid John, to wit, one Piece of Ground called the Reed Shore adjoining on the North East Side thereof on a certain Creek called Barking Creek, and on the South West Side thereof on a certain Clos in the Occupation of Stimfon Bulmer, com monly known by the Name of the Te Acres, at the Parish of Barking in the fai County of Effex, and trod down and con fumed with his Feet in walking the Gra and Reeds of the faid John there growin of the Value of 40 s. and cut, took, ca ried away, detained, and converted to h own Use the Reeds, to wit, forty Car Loads of Reeds of the said John the growing of the Value of 20 1. and cut, too carried away, detained and converted his own Use other Reeds, to wit, for Cart-Loads of Reeds of the faid John the Value of 20 1. found at the Parith afor faid, and did other Wrongs to the fa John against the Peace of the faid Lordt King, to the Damage of the faid John 401, And thereupon he brings Suit, &c. an

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and the faid James, by Daniel Garney Plea. his Attorney, comes and defends the Force and Injury, when, &c. and as to the com- Quoad vi ing with Force and Arms, and whatever is & armis non against the Peace of the said Lord the King, Cul. and all the faid Trespass above supposed to bedone, except the breaking and entering of the faid Close called the Reed Shore, in which, &c. and the treading down and confuming with Feet in walking the faid Grass and Reeds there growing, and the cutting, taking, carrying away, detaining and converting to his own Use the faid other Reeds there growing, fays, that he is not thereof guilty, as the faid John hath thereof above complained against him: And hereupon he puts himself on the Country; And the faid Isue thereon. John does fo likewise: And as to the break- As to the Reing and entering of the faid Close called sidue, the Reed Shore, in which, &c. and the treading down and confuming with his Feet in walking the faid Grass and Reeds there growing, and the cutting, taking, carrying away, detaining and converting to his own We the faid other Reeds there growing, the faid James fays, that the faid John ought not therefore to have or maintain his aid Action against him, because he says, the locus in that the said Close in which the said Tres- quo, pals was done at the faid feveral Times, when, &c. and from Time whereof the Memory of Man is not to the contrary, was and is called and known as well by the Name of the Foreland as by the Name of the Reed Shore, and for all that Time was Parcel of an-

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Whereof A.T. feifed in Fee, who conveyed to Defendant and R.S.

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and is Parcel of the faid Close called the Ten Acres, of which faid Close called the Ten Acres, whereof, &c. with the Appurtenances, Anne Tully, Spinster, long before the faid Time, when, &c. was feifed in her Demesne as of Fee; and being so seised thereof, she the faid Anne long before the faid Time when, &c. to wit, by an Indenture made at the Parish of Barking aforefaid on the fifth Day of April in the Year of our Lord 1737, between the faid Anne, by the Name of Anne Tully of Charterboule. yard in the County of Middlesex, Spinster, one of the Daughters and Devisees of James Tully late of the same Place, Esq; deceased, of the first Part, and the faid Fames and Sir Robert Smyth, Baronet, by the Names of Fames Smyth of Upton in the Parish of Westham in the County of Essex aforesaid, Esq; and Sir Robert Smyth of Buckland in the Parish of Lymington in the County of Southampton, Baronet, of the other Part, one Part of which Indenture fealed with the Seal of the faid Anne, the faid fames brings here into Court bearing Date the fame Day and Year, for and in Confideration of a certain Sum of Money therein mentioned, did bargain and fell the faid Close whereof, &c. with the Appurtenances (among other things) to the faid fames and Sir Robert; To have and to hold to the faid Fames and Sir Robert from the Day next before the Day of the Date of that Indenture for and during one whole Year from thence next enfuing, and fully to be complete

Profest.

omplete and ended, as by the faid Indenure more fully appears; by Virtue of which faid Bargain and Sale, and by Force of the Statute for transferring Uses into offession, they the faid James and Sir whert became possessed of the said Close. thereof, &c. with the Appurtenances for nd during one whole Year, the Reversion hereof belonging to the faid Anne and her Heirs; and being so possessed thereof, and he Reversion thereof belonging to the faid fine and her Heirs as aforesaid, she the id Anne, by another Indenture made at And Release. e Parish of Barking aforesaid on the sixth ay of April in the Year of our Lord 1737. oresaid, between the said Anne, by the ame of Anne Tully of Charterbouse-yard in eCounty of Middle fex aforesaid, Spinster, e of the Daughters and Devisees of the id fames Tully late of the same Place, Esq; ceased, of the one Part, and the said ames and Sir Robert, by the Names of mes Smyth of Upton in the Parish of Westmaforesaid in the County of Essex afored, Esq; and Sir Robert Smyth of Buckd in the Parish of Lymington aforesaid the County of Southampton aforesaid, ronet, of the other Part, one Part of Profert. ich said last mentioned Indenture sealed h the Seal of the faid Anne the faid mes brings here into Court bearing Date fame Day and Year, for the Confideratherein mentioned, did Release unto faid James and Sir Robert the Reverof the faid Close, whereof, &c. with the

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The Attorney's Practice

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the Appurtenances among other Things To have and to hold unto the faid James and Sir Robert, and the Heirs and Affign of the faid James, To and for the only proper Use and Behoof of the said Jame and Sir Robert, and of the Heirs and Al figns of the faid James for ever, as by the faid last mentioned Indenture more full appears; by Virtue of which faid Bargain and Sale and Release, and by Force of the Statute for transferring Uses into Posses fion, they the faid James and Sir Rober

Whereby Defendant and R. S. became feifed.

claiming Right,

became seised of the said Close, whereo &c. with their Appurtenances in their De mefne as of Freehold for and during the natural Lives; and being fo feifed thereo That Plaintiff the faid John claiming the faid Close calle the Reed Shore, in which, &c. Parcel, & by Virtue of a certain Deed of Feoffmen to him thereof made by the faid Anne be fore the making of the faid Indenture Bargain and Sale, whereas no Estate or la terest in the said Close, in which, &c. Pa cel, &c. passed into the Possession of the faid John by Virtue of the faid Deed Feoffment, afterwards, and before the fa first time, when, &c. to wit, on the 30 Day of November in the Year of our Lo 1737 aforefaid, entered into the faid Clo

entered on the Possession of Defendant and Possession of the said James, and Sir R R. S.

bert thereof, and ejected, expelled, and p out the faid James and Sir Robert from the Whereuron De- Possession and Occupation thereof; when fendant in his upon he the faid Fames in his own Rig

in which, &c. Parcel, &c. in and upon t

own Right,

and in the Right of the faid Sir Robert, and and in Right whis Command, afterwards, to wit, on the of R.S. and by his Comaid first Day of December, in which, &c. mand re entere-entred the faid Close, in which, &c. ed, and justifies. Parcel, &c. and on that Day, and at diers other Days and Times between that Day and the Day of the exhibiting of the aid Bill of the faid John against him, broke ndentred that Close, in which, &c. as the Close of the faid James and Sir Robert, and rod down and confumed with his Feet in ralking the faid Grass and Reeds there rowing as the Grass and Reeds of the aid James and Sir Robert, and cut, took and carried away, detained and converted o his own Use the faid other Reeds there rowing as the Reeds of the faid Fames and ir Robert, as it was lawful for him: And his he is ready to verify: Wherefore he rays Judgment, if the faid John ought to ave or maintain his faid Action therefore gainst him, &c.

Thomas Denison.

And the faid John, as to the faid Plea Replication. If the faid James as to the breaking and atting of the faid Close, in which, &c. and he treading down and confuming with his leet in walking the faid Grass and Reeds here growing, and the cutting, taking, carring away, detaining and converting to his wn Use the faid other Reeds there growing, by him done as aforesaid, by him above leaded in Bar, says, that by reason of any hing above pleaded by the said James in that

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that Respect, he ought not to be barred from having his faid Action therefore against him, because rotesting that the faid Close, in which, &c. at the faid fevera Times, when, &c. was not called the Foreland, as the faid fames hath by his faid The locus in Plea in that Respect above alledged; for Replication in this Respect the said 70h fays, that the faid Close in the faid Declaration of the faid John above mentioned in which, &c. now is and at the fevera times when, &c. and from Time whereo the Memory of Man is not to the contrary has been Parcel of the Manor of Barkin in the faid County, and a customary Te nement of the faid Manor, and demile and demiseable by the Copy of the Roll of the Court of the faid Manor by the Lor of the faid Manor, by his Steward of the Court of the faid Manor or his Deputy for the Time being, to any Person or Person willing to take the fame in Fee-fimple of otherwise, at the Will of the Lord, accord ing to the Custom of the faid Manor; which faid Manor, with the Appurtenance Sir William Humphreys, Knight and Barone one of the Aldermen of the City of Lan don, was feised in his Demesne as of Fee and being fo feifed thereof he the faid S William at his Court of his faid Mand held in and for his faid Manor on Thurst the fifth Day of April in the Year of ou Lord 1733, by Edward Green, Efq; the

Deputy of William Northey, Efq; the

Steward of the Court of the faid Mano

Manor of B.

Parcel of the

quo,

And granted by Copy.

by the Copy of Rolls of the Court of the ame Manor, granted the faid Close, with the Appurtenances, to the faid John and To the Plain-Sulanna his Wife, to have and to hold to tiff and his he faid John and Sufanna his Wife, and W.fe in Fee. heir Heirs and Assigns for ever, at the Will f the Lord, according to the Custom of he said Manor; by Virtue of which said Grant, they the faid John and Sufanna his Wife, entred into the faid Close, with the ppurtenances fo granted to them as aforeaid, and at the faid feveral Times, when, k were, and still are seised thereof in heir Demesne as of Fee, at the Will of the ord, according to the Custom of the id Manor; and being fo feifed thereof, e said fames of his own Wrong, at the id several Times, when, &c. broke and tred the said Close of the said John, in hich, &c. and trod down and confumed th his Feet in walking the faid Grass and d Reeds there growing, and cut, took, riedaway, detained and converted to his nUse the said other Reeds there growing, the faid 70bn hath thereof above comined against him; without this, that the Traverse, that Close in which, &c. was Parcel of the the locus in Close called the Ten Acres, as the faid quo was Parmes hath by his faid Plea above alledged: d this he is ready to verify: Wherefore, much as the said James hath above acwledged the faid breaking and entring of faid Close in which, &c. and the treaddown and confuming with his Feet in king the faid Grass and Reeds there grow-

The Attorney's Practice

ing, and the cutting, taking, carrying away, detaining and converting to his own Unit the faid other Reeds there growing, by him done as aforefaid, the faid John pray Judgment, and his Damages by Reason of that Trespass, to be adjudged to him, &

Edward Green

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Rejoinder, That it was Parcel, &c.

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both Isues.

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And the faid Fames fays as before, the the faid Close in which, &c. was Parcel the faid Close called the Ten Acres, as the faid Fames has by his faid Plea above a ledged: And hereupon he puts himfelfund the Country; and the faid fobn does I.kewise: Therefore as well to try this Ist as the faid other Issue above joined betwee the Parties, let the Jurors come before Lord the King at Westminster on Wednesd next after three Weeks from the Day the Holy Trinity, who are in no wife, lated either to the faid John Cape, or tot faid Fames Smyth, to make a certain Ju of the Country between the faid Parties the Plea aforesaid, to recognize upon th Oaths the whole Truth of and concerni the Premisses, because as well the said 7a Smyth as the faid John Cape, between wh the Matter in Variance is, have put the felves upon that Jury: The fame Day given to the Parties aforesaid at the sa Place.

Hil

Hilary Term in the Twelfth Year of King George the Second.

Suffex, D E it remembered, that in the Memoranwit. D Term of St. Michael last past be- dum of a prebre our Lord the King at Westminster came cedent Term. P.S. Efq; by --- his Attorney, and brought othe Court of our faid Lord the King hen there his Bill against 7. B. in the Custody of the Marshal of the King's larsbalsea before the King himself, of Plea of Trespass upon the Case; nd there are Pledges of prosecuting, wit, John Doe and Richard Roe, hich faid Bill follows in these Words: Mex, to wit, P. S. Esq; complains of Declaration in B. in the Custody of the Marshal, &c. Trespass for entering the of that the said John on the ninth Day Plaintiff's June in the eleventh Year of the Reign Hop Gardens, our present Sovereign Lord the King, pulling down th Force and Arms did break and enter the Hop-poles, e Hop-Gardens (to wit, three Hop-Gar-the Hop binds. ns) of the faid Peter, at the Parish of ivelsfield in the County aforesaid, and d pull up, throw down and prostrate the op-Poles, (to wit, 12000 Hop-Poles) of n the faid Peter, fet up and standing in Soil in the Hop-Gardens aforesaid, and cut, crop, break, bruise, and spoil the p.Binds (to wit, 100000 l. Hop-Binds) the faid Peter, to the Value of 50 1. growin the Hop-Gardens aforefaid, whereby faid Peter lost the greatest Part of the VOL. II.

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Profit of his Hop-Gardens aforesaid for a long Time (to wit, for - then next following) and that the faid John on the ninth Day of June in the eleventh Year abovefaid, with Force and Arms, did break and enter the Hop-Garden of the faid Peter at the Parish of Linefield in the County aforesaid, and did pull up, throw down and prostrate the Hop-Poles (to-wit, 3000 Hop-Poles) of the faid Peter, fet up and standing in the same Hop-Garden, and did cut, crop, break, bruife and spoil the Hop-Binds, to wit, 30000 Hop-Binds) of the faid Peter, to the Value of 30 1. growing in the fame Hop-Garden, whereby the faid Peter loft the greatest Part of the Profit of his last mentioned Hop-Garden for a long Time, to wit, for --- then next following, and did other Wrongs to the faid Peter, to his great Damage, and against the Peace of our faid Sovereign Lord the King, to the Damage of the faid Peter of 60 1. And therefore he brings his Suit, &c.

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To which the Defendant pleaded the

general Isfue.

Hilary Term in the Twelfth Year of King George the Second.

Cooke.

Declaration in Trespas for killing a Fig and a Log.

Suffex, ff. M. R. late of - and Chi Wife, were attached to anfwer T. M. in a Plea, wherefore the faid C with Force and Arms, ftruck, stabted and wounded with a Spit a Pig and a Hogo

the faid Thomas, of the Price of 40 s. at aforefaid, fo that the faid Pig and Hog died thereof, and wounded and killed another Pig and another Hog of the faid Ibomas, of the Price of 40 s. there found, and did other Wrongs to the faid Thomas, to the great Damage of the faid Thomas, and against the Peace of the Lord the King, Ec. and whereupon the faid Thomas by his Attorney complains, that the faid Catherine on the tenth Day of September in the Year of our Lord 1737. with Force and Arms struck, stabbed and wounded with a Spit a Pig and a Hog of the faid Thomas, of the Price of 40 s. at aforefaid, that the faid Pig and Hog died thereof, nd wounded and killed another Pig and nother Hog of the faid Thomas, of the Price of 40 s. there found, and did other Wrongs to the faid Thomas, to the great Damage of the faid Thomas, and against he Peace of the faid Lord the King; wherey the faid Thomas fays that he is injured, nd hath Damage to the Value of 10 1. And hereupon he brings Suit, &c.

To which the Defendant pleaded the

General Issue.

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Hilary Term 36, 37 Car. 2. ro. 1157.

owit. A. B. lately in the County Court B. R. Declaration in Treflounty aforesaid, at M. in the County a- heing removed of the County Court, because the Desendant pleaded Liberum termentum.

forefaid,

D d 2

foresaid, complained against E. F. of a Plea of Trespass; which said Plaint, at the Prayer of the faid A. B. is had here at this Day, to wit, from the Day of Easter in fifteen Days, by the Writ of our Lord the King of Recordari facias Loquelam, for that the faid E. F. in his Plea in the faid County Court, pleads Freehold; and now at this Day came as well the faid A. B. by John Lilly his Attorney, as the faid E. F. by R. S. his Attorney: And upon this the faid A.B. by his faid Attorney complains, that [here infert the Declaration].

Hilary Term 36, 37 Car. 2. ro. 1157.

Declaration in Trespass removed by Re. fa. lo. to bave Cofts where the Damages in under 40 s.

Kent, CIR Thomas Willis, Baronet to wit, D lately in the County-Court of A. B. Esq; Sheriff of the County afore faid, held at Maidstone in the County afore faid, complained against C. D. of a Plea of the Plaint are Trespass; which said Plaint, at the Praye of the faid Sir T. W. is had here at this Day to wit, from the Day of the Holy Trinity &c. by the Writ of our Lord the King of Recordari facias Loquelam: And now at the Day comes as well the faid Sir T. W. b S. R. his Attorney, as the faid C. D. by E. his Attorney: And upon this the faid S T. W. by his Attorney, complains that, &

> If the Defendant in the Country has plead Liberum tenementum, and the Plaintiff t moves the Plaint without Caufe shewn in the Writ, and the Plaint only is returned, and a the Plea (which is necessary to be done, becan the Court ought not to take Cognizance of a Pl under 40 s.) Quære how to declare, to w

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which said Plaint, at the Prayer of the said Plaintiff, for that the said Defendant in that Plea in the said County has claimed Freehold,

is bad bere, &c.

Lambert and Thurston, I W. & M. Trefpass quare Clausum fegit was removed by
Recordari, where the Plaintiff declared to
his Damage 30 s. Defendant demurred, beaussethe Court had not furisdiction of the Cause
where Damages are under 40 s. And it was
wiged pro Quer. that the Plaintiff had removed this Cause, because the Defendant had
pleaded Liberum tenementum, and so it is not
triable in the County-Court. Co. Lit. 118. &
2 Inst.

Chief Justice, It Shall be intended, that this Assion was originally in this Court, because it is vi& armis, which cannot be in a Declaration in the County-Court; and where it is removed, the Declaration ought to be without vi & armis.

London, NI ATHANIE L Andrews and B. R. Decla-Thomas Lucas, Wardens of the ration in Acparochial Church of St. Katherine Coleman- count by Church warfreet, London, complain of Thomas Thornton dens against a late Warden of the faid parochial Church, late Churchbeing in the Custody of the Marshal, &c. warden. of a Plea, that he render to them his reasonalle Accounts for the Time in which he was Warden of the faid parochial Church, and Receiver of the Money of the faid parochial Church; for that, to wit, that wherewhe faid T. T. from the 10th Day of April in the Year of our Lord 1675, until the Inft Day of April in the Year of our Lord 1675, at London aforefaid, to wit, in the D d 3 Parith

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Cro. Jac. 234. Pract. Regr. 267. 680. 30, 34. Parish, &c. in the Ward of A. London, was Warden of the faid Church, and Receiver of the Money of the faid parochial Church for the Time aforesaid, and had the Care and Administration of the Goods and Money of the faid parochial Church for the Time aforesaid, and during that Time a London aforesaid in the Parish and Ward aforesaid, as Warden of the said Church received by the proper Hands of him the faid T.T. 100 1. of lawful Money of England of the Money of the faid Church, to bestow and lay out to the Use of the said parochia Church, and to render his reasonable Ac count of the same to the said N. A. and T. L. Wardens of the faid Church, when he should be thereto required : Det the fair T. T. although often required, &c. has no rendered his reasonable Account of tha Money to the faid N. A. and T. L. or to either of them; but he has hitherto intirely refused and still does refuse to render th fame to the faid N. and T. to the Damag of the faid N. and T. 100 l. And thereupo they bring Suit, &c.

Breach.

Plea in Abatement, that there was another Chur bquarden not named in the Bill.

and the said T. T. by A. B. his Attorney comes and defends the Force and Injury when, &c. and prays Judgment of the sai Bill, because he says, that on the 10th Da of April in the Year of our Lord 1695, i the said Bill mentioned, one T. S. togethe with the said T. T. was Warden and Receiver of the Money, and had the Car and Administration of the Goods and Chatels of the said Church for the Time afore

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faid, and that the faid T. S. is still in Being and alive, to wit, at London aforesaid. in the Parish and Ward aforesaid; With Traverse. out this, that the faid T. T. was Warden and Receiver of the Money, and had alone the Care and Administration of the Goods and Chattels of the faid Church by the Time foresaid, as the said N. and T. in their said Bill have above declared: And this he is gady to verify: Wherefore, for that the faid T. S. is not named in the faid Bill, the aid T. T. prays Judgment of the faid Bill, and that the faid Bill may be quashed, &c.

and the faid N. and T. fay, that by any Demurrer. thing by the faid T. T. above by pleading alledged the faid Bill of the faid N. and T. ought not to be quashed, because they fay, that the said Plea by the said T. T. for quashing the faid Bill above pleaded, and the Matter therein contained, are not fufficient in Law to quash the said Bill of the aid N. and T. or to bar them the faid N. and T. from maintaining their faid Action against the said T.T. And this they are teady to verify: Wherefore for Default of fufficient Plea in this Behalf the faid N. and T. pray Judgment, and that their faid may be adjudged good, and that the hid T. T. may answer to the faid Bill, &c. And for Caufes of demurring in Law to the Caufe of Delid Plea, according to the Form of the murrer. fittute in fuch Case made and provided, they shew, and to the Court here demonfrate these Causes following, to wit, for hat the faid Plea is incertain, and contains

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in itself a Negative pregnant; and because the faid T.T. by the faid Plea has mad full Defence, and traverses a Matter no traversable, and it wants Form, &c.

W. Thompson.

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B. R. Declaration in Account against a Guardian and Bail ff. Pul. 13 W. 3. I Ventr. 105. Salk. 9.

1 Count as Guardian.

CHarles Turner, Gent. com plains of John Turner, Gen to wit, being in the Custody of the Marshal, & of a Plea that he render to him his rea sonable Account for the Time in which he was Guardian of the faid Charles, an also for the Time in which he was Bai liff of the faid Charles at Swanwicke i the Parish of Alfreton in the County a forefaid, for that, to wit, that whereas is provided by the Common Council of our Lord the King of England, that th Guardians of Lands and Tenement which are holden in Socage, shall render t the Heirs of those Lands and Tenement when they shall come to full Age, thei reasonable Account of the Issues comin from those Lands and Tenements fo the Time in which they had that Guard anship by reason of the Minority of th faid Heirs, the faid John although ofte required, &c. has not rendered to the faid Charles his reasonable Account of th Issues coming of the Lands and Tene ments of the faid Charles, to wit, of two alonab Mesuages, three Cotages, five Garden weles w and eighty Acres of Land, thirty Acre thaid of Meadow, eighty Acres of Pastures not of Meadow, eighty Acres of Pastur an

and thirty Acres of Wood, with the Apmrtenances in Swanwicke aforesaid in the Parish of Alfreton aforesaid in the Counraforefaid; of which faid Premisses the id John had the Guardianship, to wit, om the fixth Day of January in the Year of our Lord 1684. until the 20th by of July in the Year of our Lord 161. (the faid Charles during the whole ime being under the Age of fourteen lears) and during all that Time received helffues and Profits of the faid Mefuages d Tenements, but has hitherto refused nd still does refuse to render to him e faid Account; and also whereas the 2 Count as id John afterwards, to wit, on the 20th Bailiff. ay of July in the Year of our Lord 1691. bresaid, at Swanwicke aforesaid in the id Parish of Alfreton in the County amesaid, was Bailiff of the said Charles of 10 Mesuages, three Cotages, five Garens, and eighty Acres of Land, thirty cres of Meadow, eighty Acres of Paure, and thirty Acres of Wood, with Appurtenances in Swanwicke aforeid in the faid Parish of Alfreton in the bunty aforesaid from the said 20th Day of byin the Year of our Lord 1691. until the Day of October in the Year of our Lord 98. and had and received the yearly prosthereof for that whole Time, to render a assnable Account thereof to the said the same when he should be required; Yet the said John, although often required, &c. in some yet rendered the said reasonable mount to the said Charles; but he has count to the faid Charles; but he has hitherto

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hitherto intirely refused and still does n fuse to render the same to him, to t Damage of the faid Charles of 15,000 And thereupon he brings Suit, &c.

ration in Accutors of a Merchant a-

B. R. Decla- Middle fex, Ames Tawdin the younge to wit, J and James Frontin, Exec count by Exe- tors of the Testament and last Will Tames Tawdin the elder, deceased, con gainst his Fac- plain of Henry Lavie, Merchant, bei for as Bailiff. in the Custody of the Marshal, &c. of Plea that he render to them a reasonal Account for the Time in which he w Bailiff of the said Fames Tawdin t faid James in his Life-time at Westmin apropring the Country aforesaid; For that, to a be faid Henry on the ten oder elder, and Receiver of the Money of thands of Day of May in the thirty-first Year the Reign of our Sovereign Lord Chan the Second now King of England, de Hen until the thirtieth Day of September thas the thirty-fecond Year of the Reign wount our faid Lord the present King at W krin h minster in the County aforesaid, was I wain t liff of the said Fames the Testator in Life-time, and for that whole Ti having the Care and Management of vers Goods and Chattels of the Fames Tawdin the elder, to wit, of thousand Pounds Weight of Tin, th Firkins of Stub-Nails, two hundred twenty-four Pounds Weight of mixed M called Spelter, forty Pounds Weight James Lead, and five Hundred and fifty Poundin, o Weight of other mixed Metal case of the

me Glass, to the Value of 3000 1. to , at Westminster aforesaid in the Counaforesaid, to merchandize and make Pro-Her, and to render a reasonable Account reof to the faid fames Tamdin the Her, when he should be thereunto reired, and was Receiver of the Moy of the faid James Tawdin the elder the whole Time aforesaid, and during Time received of the Money of the d James Tawdin the Testator at Westafter aforesaid, by the Hands of Peter meise, 113 l. os. 5 d. and there by the ands of Peter Chabot 9 1. and there by proper Hands of the said Henry Lavie ol. of lawful Money of England, to der a reasonable Account thereof to faid James Tawdin the Testator, when should be thereto required: Det the Freach than not rendered the faid reasonable wount to the said James Tawdin the brin his Life-time, or to the said James I win the younger, and James Frontin, to either of them, after the Death of said James Tawdin the Testator; but sirely refused to render the first and

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and James Frontin of 10,000 l. And there Profert of the upon they bring Suit, &c. And the fair Frontin bring here into Court the Letter Testamentary of the said James Tawdin the elder, by which it sufficiently appears to the Court here, that the said James Tawdin the younger, and James Frontin at Executors of the Testament of the said James Tawdin the elder, and thereof have the Administration, &c.

Plea that the Plaintiff is an alien Enemy. B. R.

4 Rep. 55. Salk. 46, 116. Pract. Reg. 8.

and the said Edward, by T. S. his A torney, comes and defends the Force an Injury, &c. and fays, that the faid E ward ought not to be answered to his fa Bill, because he says that the said Edwa is an Alien born at Calice in the Kingdo of France, in Parts beyond the Seas, und the Ligeance of Louis King of France, Enemy of our faid Lord the now Kin of England, born of Father and Moth Enemies of our faid Lord the King, and a hering to his faid Enemies, and come in the Kingdom of England without t fafe Conduct of our faid Lord the King And this he is ready to verify: When fore he prays Judgment if the faid I ward ought to be answered to his f Bill, &c.

William H

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Plea, Misso- and the said Benjamin, by N. H. mer the Stile Attorney, comes and defends the Foriffica Corpo- and Injury, &c. and prays Judgment ration. B. R.

he said Bill, because he says, that the said Plaintiffs are named and called the saster and Keepers or Wardens and Commonalty of the Mystery or Art of Statiners of the City of London, and by that same and Title have been always named ad called; without this, that they are Traverse. and or called the Master and Keeper or Salk. 8. Burdians and Commonalty of the My-Prast. Reg. and Art of Stationers of the City of 199. Indon aforesaid, as by the said Bill is above apposed; And this he is ready to verify: Wherefore he prays Judgment of the said said, and that the said Bill may be quashed.

and the faid Master and Keepers or Demurrer Guardians and Commonalty of the My-thereto. ery or Art of Stationers of the City of andon fay, that by any thing by the faid mjamin above by Pleading alledged Bill of the said Master and Keepers Wardens and Commonalty of the Mymy or Art of Stationers of the City of mdon ought not to be quashed, because ey fay, that the faid Plea by the faid mjamin in Manner and Form aforesaid bove pleaded, and the Matter therein ontained, are not sufficient in Law to wish the Bill of the said Master and tepers or Guardians and Commonalty the Mystery or Art of Stationers of City of London, to which faid Flea ey the said Master and Keepers or Warand Commonalty of the Mystery or n of Stationers of the City of London

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the Law of the Land in any Manner answer: And this they are ready to verify: Wherefore, for Default of a sufficien Plea in this Behalf, they the said Mast and Keepers or Guardians and Commonalty of the Mystery or Art of Statione of the City of London pray Judgmen and that the said Bill of the said Maste Keepers or Guardians and Commonal of Stationers of the City of London may be adjudged as good, and that the said Benjamin may answer to the Bill, &c.

Foinder.

And the faid Benjamin fays, that il faid Plea by the faid Benjamin in Mann and Form aforesaid above pleaded, an the Matter therein contained, are god and sufficient in Law to quash the sa faid Master and Keepe Bill of the or Wardens and Commonalty of the M stery or Art of Stationers of the City London, which faid Plea and the Matt therein contained he the faid Benjam is ready to verify and prove, as the Cou Ge. And because the faid Master at Keepers or Wardens and Commonal of the Mystery or Art of Stationers the City of London do not answer to th Plea, nor as yet have any way denied he the faid Benjamin as before pra Judgment of the faid Bill, and the 25 the said Bill may be quashed, &c. because the Court of our faid Lady t now Queen here are not yet advised giving their Judgment of and upon t Premisses, a Day is thereupon given to t

Continuance. Salk. 707, 776.

Parties before our Lady the Queen at Aminster, until Saturday next after the have of the Purification of the bleffed igin Mary, to hear their Judgment of upon the faid Premisses; for that Court of our faid Lady the now ben here, is not yet advised there- Judgment &c. At which Day before our Respondeas by the Queen at Westminster came as Ouster.

Pract. Reg. the faid Mafter and Keepers or War- 1. as and Commonalty of the Mystery or nof Stationers of the City of London, the faid Benjamin by their Attorneys refaid: Upon which, all and fingular the miffes being feen, and by the Court of raid Lady the now Queen here fully derstood, and mature Deliberation bethereupon had; for that it feems to Court of our faid Lady the now Queen n, that the faid Plea by the faid Benin in Manner and Form aforefaid ane pleaded, and the Matter therein stained, are not sufficient in Law to in the faid Bill of the faid Master and epers or Wardens and Commonalty of Mystery or Art of Stationers of the y of London: Therefore it is confi-ed, that the faid Benjamin answer ther to the faid Bill, &c. And upon Defendant the faid Renjamin by his faid Attorney craves Oyer nes and defends the Force and Injury, and pleads. th, &c. And prays Oyer of the faid thing; and it is read to him, &c. and nds in Bar.

Apon

Apon which the faid John Dobso

Special Imparlance after a Plea.

Imparlance continued.

Saving to himself all and all Mann of Advantages, Exceptions, and All gations of the faid Plea of the fa John Shore, Samuel Aftre, Thomas Barr Richard Brown, John Lipps and Richa Humpbry, prays Leave to imparle before our Lord the King and Lady the Que at Westminfter, until Wednesday next af fifteen Days of St. Hilary; and has &c. The same Day is given to the sa Parties at the same Place, &c. At whi Day before our faid Lord the King a Lady the Queen, &c. at Westminster con as well the said John Dobson as the state of John Shore, &c. by their Attorneys as faid: Upon which the faid 7. D. Savi to himself as aforesaid, prays furt Leave to imparle thereupon, &c. bef our faid Lord the King and Lady Queen at Westminster, until Tuesday n after the Purification of the bleffed Vir Mary; and has it, &c. The fame Day given to the faid Parties at the fame Pla &c. At which Day before our faid L the King and Lady the Queen at Il minster comes as well the said 7. D the faid 7. S. &c. by their Attorn

aforesaid: and the said J. D. says, t Replication that after the after the last Continuance of the said? laft Continu . to wit, after the faid Wednesday next a ance the Plain- the Morrow of the Purification of siff obtained Letters of Ab. bleffed Virgin Mary, from which Day

Solution. B. R.

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faid Plea was continued unto this Day, to mit, Tuesday next after the Octave of the Puification of the bleffed Mary, to wit, on the tenth Day of February in the Year of our Lord 1689. the faid 7. D. was and now is absolved and released from the Sentence of Excommunication aforefaid, and restored w the Christian Communion and the Sagaments of the Church; and the faid Profert of the I.D. brings here into Court the Letters Letters of Ab-Patent of George Oxenden Doctor of Laws, Solution. Principal Official of the Court of Canterbury lawfully appointed, testifying the said Absolution: Which faid Letters Patent follow in these Words, to wit, George Oxenden Doctor of Laws, &c. [the Letters of Abblution fet forth at large.

and Carolinus Smith, against whom the Plea, Misno hid Richard Griggs by his Bill exhibited mer in the omplains by the Name of Charles Smith, Defendant's y 7. 7. his Attorney, comes and defends Name. B.R. the Force and Injury, &c. and prays Judgent of the faid Bill, because he says, that t was baptized by the Name of Carolinus, and by that Name from the Time of his aptism hitherto has been always known nd named by the Name of Carolinus; Salk. 6, 712; Without this, that he the faid Carolinus Pract. Reg. ow is or ever was known or named by the 199. lame of Charles, as by the faid Bill is awe supposed: And this he is ready to tify: Wherefore he prays Judgment of faid Bill, and that the faid Bill may be whed, &c.

Vol. II.

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And

B. R. Milnomer in the Defendant's Surname.

and upon this Robert Arkell, by John Lilly his Attorney, comes and defends the Force and Injury, &c. and prays Judgment of the faid Bill, because he says, that he is the fame Person against whom the faid Thomas Humpbry exhibited the faid Bill by the Name of Robert Arkell, and that he

11 Rep. 21. Salk. 18.

Pract. Reg. 5. is named and called by the Name of Robert 4 Mod. 347. Arkell, and by that Name from the Time 10 Rep. 122. of his Nativity was always called and known: Without this, that he is called by the Name of Robert Arkell, or has been called and known by that Name: And this he is ready to verify: Wherefore he pray Judgment of the faid Bill, and that th faid Bill may be quashed, &c.

Plea, that Baronet, and not a Knight and Baronet. C. B.

And the faid Sir John Broughton, by Defendant is a 7. L. his Attorney, comes and defends th Force and Injury, &c. and prays Judgmen of the faid Writ, because he fays, that h the said Sir John, at the Time of suing ou the faid original Writ, and from that Tim continually afterwards hitherto was, and ye is a Baronet only, and not a Knight an Baronet; Without this, that he the faid S John Broughton now is, or on the Day fuing out the faid original Writ was Knight and Baronet, as by the faid orig nal Writ is above supposed: And this th faid Sir John is ready to verify: When fore he prays Judgment of the faid Wri and that the faid Writ may be qualle €3c.

Salk. 50. 6. Prad. Reg. 2, 3.

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and William G. Esq; against whom the Plea, that the faid Thomas by his Bill exhibited complains Defendant is by the Name of William G. comes in his an Efquire, proper Person and defends the Force and be impleaded hiury, &c. and prays Judgment of the faid by that Name. Bil, because he says, that he on the Day B. R. of exhibiting the faid Bill of the faid Thomas, and always before was and yet is an Esquire: And this he is ready to verify: Wherefore Stat. 1. H. 5. for that the faid William in the faid Bill of Raft. 108. the faid Thomas is not named and implead- 298. why the Name of William G. Efq; as ac- I Ventris 151. ording to the Form of the Statute of Ad- Salk. 7. 50. 5. titions, in the Names of Defendants in fuch Bills filed, made and provided he ought to knamed and impleaded, the faid William mays Judgment of the faid Bill, and that

And the said Henry Levet, by R. S. his Plea, that Attorney, comes and prays Judgment of Defendant is a the said Bill, because he says, that he the sic. and Henry, long before the exhibiting the said Bill, and also on the Day of exhibiting

the same, was and now is a Doctor of Physic adue Manner made by the University of Monday, to wit, at London aforesaid, in the

haish and Ward aforesaid: Wherefore for 4 Mod. 47. hat he the said *Henry* is not named Doctor Physic in the said Bill, he prays Judg-

ent of the faid Bill, and that the faid Bill

and the faid Anne, who is under the plea, Infancy of one and twenty Years, by R. C. by Guardian.

Guardian, specially admitted by the B.R. out of our said Lady the now Queen

E e 2 here

The Attorney's Practice

Pract. Reg. 51, 655.

here, comes and defends the Force and Injury, &c. and prays Judgment of the faid Bill, because she says, that she the said Anne on the Day of exhibiting the faid Bill, was and still is under the Age of on and twenty Years, that is to fay, of th Age of nineteen Years, and not more, wit, at London aforesaid, in the Parish an Ward aforefaid; and that the faid Hanna profecuted her faid Bill against the fai Anne, neither by her next Friend, nor b her Guardian: And this she is ready verify: Wherefore the prays Judgment the faid Bill, and that the faid Bill may qualhed, &c.

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Plea, that Deministrator and not Executor. B. R.

and the faid Robert, by 7. L. his A fendant is Ad-torney, comes and defends the Force an Injury, &c. and fays, that the faid 70 Herd on the first Day of December in the Year of our Lord 1694. at London afor faid, in the Parish and Ward aforesaid, di intestate, after whose Death, to wit, the eighth Day of the Month of Februa in the Year of our Lord 1694. at Lond aforesaid, in the Parish and Ward aforesai Administration of all and singular the Goo and Chattels, Rights and Credits, whi were of the faid John Herd at the Time his Death was in due Form of Law col

Salk. 296. 3. mitted to the faid Robert Herd by Sir Char Pract. Reg. 1. Hedges, Knight, Doctor of Laws, Comm fary and Sequestrator General, lawfu appointed, of the Reverend Father in Chi Henry, by Divine Permission, Lord Bill of London, in the Parts of Effex and He

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ford, to whom the Commission of the Administration of Right appertained: In which Case the said Edward and Margaret ought to have named the faid Robert Herd Adminiftrator of the Goods and Chattels which were of the said John Herd, and not Executor of the Testament of the said Fohn Herd: And this he is ready to verify: Wherefore he prays Judgment of the faid Bill, and that the faid Bill may be quashed, Bc.

and the faid Sarah in her proper Person Plea, by a omes and prays Judgment of the faid Bill Feme that she of the faid William, because she says, that is married. he the faid Sarah, at the Time of the exhibiting the said Bill of the said William gainst the said Sarab, was married to one John West then and yet her Husband, and live, to wit, at Islington aforesaid in the County aforesaid: And this the said Sarab ready to verify: Wherefore for that the Pract. Reg. 8. aid John West is not named in the said Bill, Salk. 7. 8. 6 Mod. 230. he said Sarah prays Judgment of the said and that the faid Bill may be quash-

d, &c. and the faid William fays, that by any Replication. bing by the faid Sarah above by pleading ledged the said Bill of the said William low filed ought not to be quashed, because tfays, that the faid Sarah on the faid Time f exhibiting the faid Bill, to wit, on the venty-third Day of October in the tenth lear of the Reign of our faid Lord the ow King, to wit, at Islington aforesaid in County aforesaid, was sole; Without

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Traverfe.

this, that the faid Sarab on the faid Time of exhibiting the faid Bill of the faid William, or at any Time afterwards, was married to the faid John West in Manner and Form as the faid Sarab above by pleading has alledged: And this he is ready to verify: Wherefore he prays Judgment, and his faid Debt, together with his Damage by Occasion of the detaining that Debt, to be adjudged to him, &c.

Rejoinder.

and the faid Sarab as before fays, tha fhe the faid Sarab, at the Time of exhibit ing the faid Bill of the faid William, wa married to the faid John West her Husband in Manner and Form as the faid Sarah a bove by pleading has alledged: And of this she puts herself upon the Country; and the faid William does fo likewise, &c. There fore let a Jury, &c.

and the faid Michael and Elizabeth, b

Iffue.

Plea, that Denot married according to the Ecclefia fical Law. C. B.

fendants were A. F. their Attorney, come and defen the Force and Injury, and pray Judgmen of the faid Writ of the faid Margaret, b cause they say, that on the Day of suin out the faid original Writ of the faid Ma garet, to wit, on the 23d Day of Janua in the tenth Year of the Reign of our Lad the now Queen, Matrimony was not for lemnized between the faid Michael and El beth according to the Ecclefiaftical Law this Kingdom of Great Britain: And th they are ready to verify: Wherefore the pray Judgment of that Writ, and that the faid Writ may be quashed, &c.

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DE it remembered, that on Wednesday Grant of the D next after fifteen Days of Easter in Office of Fihis same Term, Sir John Holt, Knt. Chief lacer in B. R. Justice of our Lord the King, and Lady the Queen, affigned to hold Pleas in the Court of our faid Lord the King and Lady the Queen, before the faid King and Queen, feely gave and granted to James Woodbouse, Eq; the Office of Filacer in the Court of the faid King and Queen, before the faid King and Queen, for the County of Salap, and then and there admitted the faid fames Woodbouse to the said Office of Filacer for the County aforefaid, To have and to hold whim as his Freehold for Term of his Life, ecording to the Custom of the faid Court four faid Lord the King and Lady the Queen at all times past used and approved, and instantly put and set the said fames Woodboufe (he having first taken as well the Outh of Allegiance to our faid Lord the ing and Lady the Queen, according to the Form of the Statute in that Case made nd provided, as the Oath, according to lustom, to behave himself well and faithly in the faid Office) into the corporal offession of the said Office, To hold, osmy, and have the same in Form aforesaid, ith the Fees, Wages and Profits to the id Office belonging, and anciently due and customed, &c.

Roll 213.

Holt and Ventris.

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Plea, that Defendant is Filacer of B.R. and suable by Bill only.

Salk. 1. 2. 3. 8.

and the faid James in his proper Perfon comes and defends the Force and Injury, and fays, that in Easter Term in the fifth Year of the Reign of their late Majesties William and Mary late King and Queen of England, &c. to wit, on Wednes day next after fifteen Days of Easter in that fame Term, Sir John Holt, then Chief Juflice of the faid late King and Queen, alfigned to hold Pleas in the Court of the faid late King and Queen, before the faid late King and Queen, freely gave and granted to the faid Tames Woodbouse the Office of Filacer in the Court of the faid late King and Queen, before the faid lat King and Queen for the County of Salop and then and there admitted the faid Fame Woodhouse to the faid Office of Filacer fo the faid County of Salop, To have and t hold to him as his Freehold for Term of his Life, according to the Custom of th faid Court of the faid late King and Quee at all times past used and approved, an instantly put and set the said 7 ames Wood boufe (he having first taken as well the Oat of Allegiance to the faid late King an Queen, according to the Form of the Sta tute in that Case made and provided, as th Oath, according to Custom, to behave himself well and faithfully in the said 0 fice) in the corporal Possession, To hold occupy, and have the faid Office in For aforesaid, with all Fees, Wages and Profil to the faid Office belonging, and ancient

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hold in the faid James, &c.

the and accustomed, &c. as by the Record of the faid Grant and Admission now renaining in the Court of our Lord the now King before the King himself manifestly appears. By Virtue of which said Grant and Admission he the said James was Filater of the said Court of the said late King and Queen, before the said late King and Queen, and on the Day of suing out the miginal Writ aforesaid, was and still is a silacer of the said Court of our said Lord he King, before the King himfelf as aforeid: And the faid Fames further fays, hat from the Time to the contrary wherefthe Memory of Man is not fuch Filacers fthe faid Court of our faid Lord the King the laid Court of our laid Lord the faid alop are, according to the Custom of the said fourt for the whole Time aforesaid hitherr so used and approved in the same Court and to ave been used and ought, in all personal medical at the Suit of any Subject of our said on the King and his Predecessors, Kings and Ougens of this Kingdom, to be imnd Queens of this Kingdom, to be imleaded only by Bill exhibited in the Court Vood four faid Lord the present King before the King himself, against such Filacers pre-tut in the same Court in proper Person:

as the prays Judgment, if the Court of our Record to be chased to the King here will or ought to take annexed to this do not the Court of the Plea, Affidation of the Cognizance of the faid Plea against vit not neces-

Ed. Whitaker.

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Plea, that Defendant is an Attorney of C. B. and fuable there only. B.R.

And the faid John in his proper Perfor comes and fays that he is, and on the Day of the exhibiting the faid Bill of the fai Thomas, and for divers Years before wa one of the Attorneys of the Court of ou Lady the Queen of the Common Bench imployed, intending in his faid Office Westminster in the County of Middlesex, profecuting and defending divers Affair of several Subjects of our faid Lady th Queen in that Bench as their Attorney and that he the faid fohn and all other Attorneys of that Bench, while they fo pro fecute or defend any Affairs, according to the Custom in the same Court of the Bend at Westminster hitherto used and approve Salk. 1. 2. 30. ought not to be drawn or compelled, no at any times past have been accustomed be drawn or compelled to answer before any Justices or Ministers of our Lady the Queen, or other fecular Justices whats ever, except before the Justices of our fa Lady the Queen of the common Bench Westminster, upon any Pleas, Plaints, Demands, which touch not the Person our faid Lady the Queen (Plea of Fran tenement, Felonies and Appeals only excep

ed): And this he is ready to verify: When

fore he does not intend, that the Court

our Lady the Queen here will or ought

take Cognizance of the faid Plea again

him, &c.

1 Lev. 54. 4. 8. 545. Pract. Regr. 4. 5. 7.

Sir Fobs Broderic

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and the faid John Cromp in his proper Plea, that erson comes and defends the Force and Defendant is biury, and fays, that he long before the C. B. shibiting the said Bill of the said Dorothy, and at the same Time, and continually afgwards, was and yet is one of the Attoreys of the Court of our Lord the King of the Bench at Westminster in the County of hiddlesex, as by Process under the Seal of a same Court to this Plea annexed more In appears; and that he profecutes and fends divers Pleas and Causes of divers d many Subjects of our faid Lord the relent King in the same Court of the ench aforesaid as their Attorney there: nd the said John says, that he and all her Attorneys of the same Bench prosening and defending for their Clients in fame Court, by laudable and ancient oftom, and according to the Law of this ingdom of England, and the Liberties of Privileges of the same Court of the ench aforesaid, from the Time to the conmy whereof the Memory of Man is not ed and approved, ought not, nor at any mes past have been accustomed, accordto the Liberties and Privileges of the Court of the Bench aforefaid for the ole Time aforefaid used and approved, be drawn or compelled against their Il, to answer before any Justices or Miters of our Lord the King, or other Juces what foever in any Court, except bethe Justices of our Lord the King of Bench aforesaid at Westminster, upon any

any Pleas or Plaints (Pleas of Frank-tens ment and Felonies, and Appeals only en cepted): And this he is ready to verify Wherefore he prays Judgment, if he ough to be compelled to answer the faid Dorot to the faid Plea here in Court, &c.

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Plea, that not named in

and the said T.C. by John Lilly his A others who are tory, comes and defends the Force and I the Declaration jury, &c. and prays Oyer of the faid Wi jointly executed ting obligatory; and it is read to him the Bond with these Words, to wit, Know all Men the Defendant. these Presents, &c. which being read at heard, the faid T.C. prays Judgment the faid Declaration, because he says, th at the faid Time of the fealing and delive ing of the faid Writing obligatory, up which the faid Plaintiff complains again him the faid T. C. to wit, upon the fa third Day of May in the eleventh Year the Reign, &c. in the faid Declaration bove mentioned, at Lewes aforesaid in t County aforefaid, the faid E. F. and G. in the faid Writing obligatory named, a fealed and delivered the faid Writing of ligatory as the Act and Deed of the fa E. F. and G. H. to the faid Plaintiff, a by the faid Writing obligatory becar firmly bound to the faid Plaintiff with faid Defendant in the faid one hundr Pounds: Which faid E. F. and G. H. yet in Being and alive, to wit, at Let aforesaid in the County aforesaid: A

his he is ready to verify: Wherefore for hat the faid E. F. and G. H. are not named Defendants, together with the faid Defendnt in the faid Declaration mentioned, the id Defendant prays Judgment of the faid Declaration, and that the faid Declaration may be quashed, &c.

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and the faid Thomas Dade, by John Lilly Plea, that Attorney, comes and defends the Force another jointly nd Injury, &c. and prays Judgment of with Defende faid Bill, because he fays, that one the Deed, and tter Albert on the said 26th Day of Au- jointly covefin the Year of our Lord 1699. at Lon- nanted. B. R. in aforesaid, in the Parish and Ward bresaid, subscribed, sealed, and as his led delivered to the faid John Bickford e said Charter-party indented of Afeightment in the faid Bill above mention-, and that the faid Peter Albert and the id Thomas, by the faid Charter-party innted of Affreightment, jointly coveanted, granted and agreed to and with a faid John Bickford, his Executors, Adinistrators and Affigns, in Manner and orm as in the faid Bill of the faid 70hn is ove recited: Wherefore for that the faid ter Albert is not named in the faid Bill, e faid Thomas Dade prays Judgment of faid Bill, and that the faid Bill may be ashed, &c.

and the faid Thomas in his proper Per- Plea, another comes and defends the Force and In- Action pendy, &c. and prays Judgment of the faid for the Matter because he says, that the said John in in the same

the Court. B. R.

5 Kep. 51.

the Court of our faid Lady the now Quee Salk. 8. 715. here, heretofore, to wit, in Eafter Term la Pract. Reg. 7. past brought his Writ against the said Thom of the Plea aforesaid; and thereupon the faid John by declaring against the faid Th mas, by the Name of Thomas Isted late London, Gentleman, then and there a pearing at the Suit of the faid 70hn of the Recital of De- Plea aforefaid, complained, That where the faid John Moller on the first Day April in the Year of our Lord 1701.

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London in the Parish of St. Mary le Bow the Ward of Cheap, was possessed of dive Goods and Chattels, to wit, of two Buts Brandy of the Value of 150 l. as of his or proper Goods and Chattels; and being possessed thereof casually lost the fa Goods and Chattels out of his Hands and Possession; which said Goods and Cham afterwards, to wit, on the faid first Day April in the faid Year of our Lord 17d aforesaid, at London aforesaid, in the Par and Ward aforefaid, came by finding to t Hands and Possession of the said Thoma yet the faid Thomas knowing the faid Goo and Chattels to be the proper Goods a Chattels of the said John Moller, and him the faid John Moller of Right to long and appertain, but contriving a fraudulently intending craftily and fubti to deceive and defraud the faid Fobn M ler of those Goods and Chattels, did t deliver the faid Goods and Chattels to faid John Moller, although often require

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at afterwards, to wit, on the tenth Day of wember in the Year of our Lord 1701. foresaid, at London aforesaid, in the Parish nd Ward aforefaid, converted and dispothe faid Goods and Chattels to his own roper Use, to the Damage of the said John Wiler of one hundred and twenty Pounds: and thereupon he then brought Suit, &c. and the faid Thomas Ified by A. B. his Of Defendmorney, came and defended the Force ant's appeard Injury, when, &c. and then prayed lave to imparl thereto here, until on the Imparling. forrow of the Holy Trinity then next folwing, and had it, &c. The fame Day wthen given to the faid John Moller here, in as by the faid Record remaining here Court more fully appears: Which faid Plea fill pendint or Plea upon the Writ aforesaid, in ing. four faid Lady the now Queen here, to miscussed, undetermined, and not discon-med: And the said Thomas further says, Averment, the faid Jahn Moller in the faid for- that the Per-Tobn Moller in the faid Bill now exhi- the fame. and my your mother in the laid Bill now extind and against him the said Thomas Isted, are to be and the same Person, and not other, different; and that the faid Thomas d in the said former Declaration and a named, and the faid Thomas Isted in faid Bill against him the said Thomas wexhibited, are one and the same Perand not other, nor different: And the

of Action are

faid

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faid Thomas Isted further fays, that the Goods and Chattels in the faid Declaration and Plea mentioned, and the faid Good and Chattels mentioned in the faid Bill no exhibited against the said Thomas, are of and the same Goods and Chattels, and n other, nor different : And this he is read to verify: Wherefore he prays Judgme of the faid Bill exhibited in Form aforefa (the faid former Plea and Declaration aforefaid still depending here in Court discussed and undetermined) and that t faid Bill may be quashed, &c.

and the faid Edward Dominee fa

B. R. Replica-

tion Nul tiel that by any thing by the faid Owen Gr Record, to a fin above by Pleading alledged the faid I ther Action for of the faid Edward now filed ought the same Mat- to be quashed, because he says, that th ter in the same is not any such Record of the said Bill the faid Plea specified filed or remain of Record in the faid Court of our l Lady the present Queen before the Que herfelf, as the faid Owen has above by ple ing alledged: And this he is ready to rify! Wherefore he prays Judgment, that the faid Bill of the faid Edward n filed may be adjudged good, and that faid Owen may answer thereto, or in fault thereof, that his Damages by occal of the Premisses may be adjudged to h €3c.

And the faid Owen fays, that there Rejoinder quod habetur fuch Record of the faid Bill in the faid ! taleRecord' of the faid Owen above specified, filed

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Record in the faid Court of our faid Lady the Queen before the Queen herfelf, to wit, at Westminster aforesaid, as he the said Owen has above by Pleading alledged, as appears on the Files of Bills of the faid Term of St. Hilary last past in the faid Plea last mentioned, filed of Record; And this he bready to verify by that Record: And he prays, that the Term and Files of Bills may efeen and inspected by the Court of our aid Lady the now Queen here : But besufe the Court of our faid Lady the pre- Continuance, at Queen here is not yet advised of giving heir Judgment of and upon the Premiffes, Day is therefore given to the faid Parties efore our Lady the Queen at Westminster, ntil _____ to hear their ludgment of and upon the faid Issue, for hat the Court of our faid Lady the resent Queen is not yet advised thereof,

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and the faid Owen fays, that the faid Demurrer to lea by the said Edward above by reply- the Replication. g pleaded, and the Matter therein con- Salk. 218. ned, are not fufficient in Law to compel te faid Owen to answer to the faid Bill of te faid Edward, to which the faid Owen no need, nor is he bound by the Law the Land in any manner to answer: And is he is ready to verify: Wherefore for efault of a fufficient Replication of the d Edward in this Behalf, the faid Owen as fore prays Judgment of the faid Bill, and at the said Bill may be quashed, &c.

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Foinder.

and the faid Edward fays, that the faid Plea by him the faid Edward in manner and Form aforefaid above by replying pleaded, and the Matter therein contained, are good and fufficient in Law to compel the faid Owen to answer to the faid Bill of the faid Edward: Which faid Plea, and the Matter therein contained, the faid Edward is ready to verify and prove, as the Court, Ec. And because the said Owen does no answer the faid Plea, nor has yet any way denied it, the faid Edward prays Judgment and that the faid Bill of the faid Edwar may be adjudged good, &c. And that th faid Owen may answer further thereto, & or in Default thereof, that his Damages by occasion of the Premisses may be adjudge to him, &c. But because the Court of ou faid Lady the present Queen here is no yet advised of giving their Judgment of an upon the Premisses, a Day is thereupo given to the faid Parties before our Lady th Queen at Westminster until - next afte -to hear their Judgment of and upo the Premisses, for that the Court of or faid Lady the present Queen here is n yet advised thereof, &c.

Continuance:

Special Imjarlance.

and now at this Day, to wit, on We nesday next after fifteen Days of Easter this fame Term, to which Day the fa Hierom saving to bimself all and all mann of Exceptions to the faid Bill of the faid E ward had Leave to imparl to the faid B and to answer, &c. before which Day Queen Mary. Majesty Queen Mary died, before our fa

Demise of

Lord the King at Westminster came as well the faid Edward by his Attorney aforefaid, as the faid Hierom by R. S. his Attorney; and the faid Hierom defends the Force and Plea Lis alibi Injury, &c. and fays, that he the faid Hie- pendens nom ought not to be compelled to answer B.R. the faid Bill, because he fays, that the faid Edward heretofore, to wit, in the Term of the Holy Trinity last past, in the Court of our Lord the present King and of the late Oueen Mary of the Bench impleaded the aid Hierom in a certain Plea of Trespass mon the Case, and for the same Cause in Salk. 715. the faid Declaration above mentioned, as by the Record thereof remaining in the same Court appears, and that the faid Parties to and in the Plea in the faid Court of the Bench, and the faid Edward Browne the present Plaintiff, and he the said Hierom Duble are the same Persons, and not other or divers; and that the faid Plea in the faid Court of the Bench still remains undeternined: And this he is ready to verify: Wherefore he prays Judgment if he ought be compelled to answer to the faid Bill, Bc.

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and the faid Edward fays, that notwith- Replication landing any thing by the faid Hierom above Nul tiel Repleading alledged, he the faid Hierom cord. ight to be compelled to answer to the eclaration of him the said Edward, beause he says, that there is not any such lecord of the impleading the faid Hierom the Suit of the faid Edward remaining the faid Court of our faid Lord the King Ff2

of the Bench, as the faid Hierom has above by pleading alledged: And this he is ready to verify: Wherefore he prays Judgment, and that the faid Hierom may answer to the Bill of the faid Edward, &c.

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Plea to a Scire between the Teste and Return.

And the faid Nathaniel at that Day being Facias quare solemnly demanded, by Thomas Callowe his executionem Attorney, also comes and prays Judgment non in Error, of the faid Writ of Scire Facias, because not fifteen Days he fays, that there are not fifteen Days between the Teste and Return of the said Writ of Scire Facias: And this he is ready to verify: Wherefore he prays Judgment of that Writ, and that the faid Writ may be quashed, &c.

Demurrer.

and the faid Martin fays, that by any thing by the faid Nathaniel above by plead ing alledged the faid Writ of the faid Martin ought not to be quashed, because he fays that the faid Plea by the faid Nathaniel is Manner and Form aforefaid above pleaded and the Matter therein contained, are no fufficient in Law to quash the faid Write the faid Martin against the said Nathaniel to which faid Plea in Manner and For aforesaid pleaded the said Martin has n Need, and is not bound by the Law of the Land in any manner to answer: And the

in Bar bad?

Q. Conclusion he is ready to answer: Wherefore for D fault of a sufficient Plea of the said Nathani in this Behalf the said Martin prays Jud ment, and his Execution, according to t Force, Form and Effect of the said Recove to be adjudged to bim.

quer Chamber.

and the faid Nathaniel fays, that the Joinder. faid Plea by him the faid Nathaniel in Manner and Form aforesaid above pleaded, and the Matter therein contained, are good and fufficient in Law to quash the aid Writ of the faid Martin against him the faid Nathaniel; which faid Plea, and the Matter therein contained, the faid Nathaniel is ready to verify and prove, as the Court, &c. And because the said Martin does not answer the faid Plea, nor s yet has any ways denied it, the faid Nathaniel as before prays Judgment, and hat the faid Writ may be quashed, &c. and because the Court of our Lord the Continuance. iving their Judgment of and upon the remisses, a Day is thereupon given to he faid Parties before our Lord the King ntil — wherefoever, &c. to hear heir Judgment of and upon the Premisses, scause the Court of our said Lord the resent King is not yet advised thereof,

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and the faid Charles Frampton, by J. L. Plea to a Attorney, comes and prays Judg- Scire Facias ent of the faid Writ of Scire Facias, be- a Writ of Eruse he fays, that after rendering the ror returnable d Judgment in the faid Writ above in the Excheecified, to wit, on the 16th Day of Noour Sovereign Lord William the Third, ow King, and our Sovereign Lady Mary te Queen of England, at Westminster

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aforesaid in the County of Middlesex aforesaid, he the said Charles Frampton for reverfing the faid Judgment profecuted out of the Court of Chancery of our faid Lord the King and Lady the late Queen then held at Westminster aforesaid in the County of Middlesex, a certain Writ of our faid Lord the King and Lady the late Queen for correcting Errors of and upon the faid Judgment in the faid Writ specified directed, to Sir John Holt, Knt. Chief Justice of our faid Lord the King and Lady the late Queen, affigned to hold Pleas in the Court of our faid Lord the King and Lady the late Queen, before our faid Lord the King and Lady the lat Queen, and returnable on Tuesday the 27th Day of this Instant November then nex enfuing, in the Court of Exchequer Cham ber of our faid Lord the King and Lad the late Queen at Westminster, before th Justices of our faid Lord the King an Lady the late Queen of the Bench an Barons of the Exchequer of our fai Lord the King and Lady the late Quee of the Degree of the Coife, according the Form of the Statute in such Ca made and provided; which faid Wr after the Issuing and before the Retu thereof, to wit, on the 20th Day of N vember in the faid 6th Year of the Reign the faid King and Queen at Westminster foresaid in the said County of Middles was in due Form of Law delivered to t faid Sir John Holt the faid Chief Justic

to be executed in Form of Law, which said Sir John Holt the said Chief Justice has not yet returned the said Writ for correcting the said Errors into the said Exchequer Chamber, and has done nothing thereupon: And this he is ready to verify: Wherefore he prays Judgment if he the said Charles ought to be compelled to answer to the said Writ of Scire Facias of the said Charles Nourse, pending the said Writ of Error undetermined, &c.

and the said James Fuller, by J. S. his Plea, a Write Attorney, comes and defends the Force and of Error de-Injury, &c. and prays Judgment of the faid pending in the Bill of the said Robert Dovee, because he Chamber. lays, that after the giving the faid Judgment B. R. in the faid Declaration specified, and before the Exhibiting the Bill of the faid Robert Dovee, to wit, on the 29th Day of October in the seventh Year of the Reign of our Lord the present King, the said Fames Fuller, for reverling the faid Judgment fued forth of the Court of Chancery of our faid Lord the King, the same Court being then at Westminster, a certain Writ of our faid Lord the present King, for orrecting Errors in the Record and Proels, and also in giving that Judgment diteded to the King's Right-trusty and Wellbeloved Sir John Holt, Knight, then and Chief Justice of our faid Lord the ling affigned to hold Pleas before the ling himself; by which said Writ our aid Lord the King commanded his faid Ff 4 Chief

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The Attorney's Practice

Chief Justicie, that if Judgment was there. upon then given, then he should cause the Record and Process of the faid Plaint, with all Things touching the same, to come before his Justices of the Common Bench and his Barons of the Exchequer of the Degree of the Coif in the Exchequen Chamber of our faid Lord the King at Westminster on Wednesday the 27th Day of November then next enfuing, that the faid Justices of the Common Bench and Barons viewing and examining the faid Record and Process might cause further to be done therein, as of Right and ac cording to the Form of the Statute in that Cafe made and provided should be mee to be done; by Virtue of which faid Writ of Error the faid Chief Justice as terwards, to wit, on the faid 27th Day of November transmitted the Record and Pro cess of the Plaint and Judgment aforesaid with all Things touching the same, be fore the Justices of our faid Lord th King of the Common Bench and his Ba rons of the Exchequer of the Degree of the Coif in the faid Exchequer Chambe at Westminster aforesaid: And the Recor and Process of the faid Judgment still re mains there, and the faid Writ for con recting Errors still remains undetermine in the same Court of the faid Excheque Chamber at Westminster aforesaid; an the faid Judgment is yet neither affirme nor reversed, as by the Record thereof to maining in the same Court of the sai Excheque

Exclaid Lord Bard

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Exchequer Chamber at Westminster aforeaid before the said Justices of our said Lord the King of the Common Bench and Barons aforesaid more fully appears: And his the said James Fuller is ready to veify by the Record of the Judgment and Process aforesaid: Wherefore he prays Judgment of the said Bill, and that the said Bill may be quashed, &c.

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Edward Northey, Sir John Broderick.

to wit, John Hoare in the Custody gainst a Prif Sir Robert Dawes, Bart. Chief Stew-Soner in the al of the Liberty of St. Edmunds Bury Custody of the state County aforesaid, of a Plea that Liberty. e render to him 100 l. [Declaration in bott on a Judgment] And thereupon he sings Suit, &c.

And the faid John, by John Allen his Plea, Mifthorney, comes and defends the Force prision of Minjury, and says, that the Liberty of the County. L. Edmunds Bury is, and was from the B. R. ime to the contrary whereof the Metry of Man is not, in the County of folk, and not in the County of Middlet, as by the Bill of the said Joseph Clarke above supposed: And this he is ready everify: Wherefore he prays Judgment he the said John Hoare ought to answer the Bill of the said Joseph Clarke, &c.

The Attorney's Practice

Affidavit of the Truth of the Plea. Stat. 4, 5 Annæ. L. S. Gent. maketh Oath, That the Liberty of St. Edmunds Bury, as the Deponent is credibly informed and verily be lieves, is in the County of Suffolk, and no in the County of Middle sex, as the Plain tiff by his Declaration hereunto annexed hath alledged.

L. S.

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Plea, false Latin in the Bend. B. R.

And the said Richard, by T. H. h Attorney, comes and defends the Ford and Injury, &c. and prays Oyer of the faid Writing, and it is read to him! these Words, to wit, Noverint Univer me, &c. teneri, &c. in ducent' & quiqu gint' libris, &c. [the Obligations fet for at length]. He also prays Oyer of the Condition of the faid Writing, and it read to him in these Words, to wit, the Condition, &c. which being read at heard the faid Richard prays Judgment the faid Bill, because he says that the sa Fobn by his Bill above supposes that t faid Richard owes to the faid John duce & quinquagint' libras, where in Truth the is not any fuch Word in the faid Writin containing and warranting this Word the faid Declaration specified : And the he is ready to verify: Wherefore he pra Judgment of the faid Bill, and that t faid Bill may be quashed, &c.

Hob. 18, 19, 20. Salk. 462. Pract. Reg. 146.

The Force and Injury, &c. and property in Judgment of the faid Declaration, because Declaration. they say that the faid Declaration, and the Material Declaration of the faid Declaration.

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fatter therein contained, are not sufficint in Law to maintain the Action of the id John, James and Mary thereupon ainft them the faid Richard and Cadogan, which faid Declaration the faid Richdand Cadogan have no Need, nor are bey bound by the Law of the Land any Manner to answer: And this Salk. 220. hey are ready to verify: Wherefore Pract. Reg. Default of a fufficient Declarati- 4. nin this Behalf the faid Richard and Cagan pray Judgment of the faid Declara-

e quashed, &c. and the faid John, fames and Mary Joinder.

on, and that the faid Declaration may

y, that the said Declaration, and the Mattherein contained, are good and fuffitent in Law for them the faid John, James and Mary to maintain their faid Action hereupon against the faid Richard and adogan, which faid Declaration and the latter therein contained the said John,

ames and Mary are ready to verify and rove, as the Court, &c. Wherefore, or that the faid Richard and Cadogan do

ot deny the faid Matter in the faid Dearation, nor any ways answer thereto, lefaid John, James and Mary pray Judg-

ent and their Damages by Occasion of e Premisses to be adjudged to them, &c.

but because the Court of our faid Lord e present King here is not advised of Continuance. ving their Judgment of and upon the

remisses, a Day is thereupon given to the

Westminfter, until Wednesday next afte five Weeks of Easter, to hear their Judg

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ment of and upon the Premisses; for that the Court of our faid Lord the present King here is not yet advised thereof, & Judgment for At which Day before our faid Lord the the Plaintiffs. King at Westminster the faid Parties com by their Attorneys aforefaid; upon which all and fingular the Premisses being seen and by the Court of our faid Lord th present King here fully understood an confidered, and mature Deliberation be ing had thereupon, it feems to the Cour of our faid Lord the present King here that the faid Declaration and 'the Matte therein contained are good and fufficien in Law for them the said John, Jame and Mary to maintain their faid Actio thereupon against the said Richard an Cadogan: Wherefore the faid John Kem Fames Goodwin and Mary Perkins, ough to recover their Damages by Occasion the faid Premisses, against the faid Richa Smith and Cadogan Thomas: But becau it is unknown to the Court of our fa Lord the present Kinghere, what Damag the said John, James and Mary have s stained by Occasion of the Premisse Therefore it is commanded to the Sher of Middle fex, that by the Oath of twel good and lawful Men of his Bailiwic diligently inquire what Damages the fa John, James and Mary have sustained ereof well by Occasion of the Premisses as s e Cou their Costs and Charges by them expend abo

Inquiry 4warded.

bout their Suit in this Behalf; and that fend the Inquisition which, &c. to our ord the King at Westminster on Friday at after the Morrow of the Holy Triniunder his Seal and the Seals, &c. tother with the Writ of our faid Lord King to him thereupon directed, &c. he same Day is given to the said John, ames and Mary, and at the fame Place,

In the King's Bench.

Between S. C. D. Plaintiff, A. B. Defendant.

A. B. the Defendant in this Cause Affidavit of sketh Oath, that the Substance and the Truth of atter of Fact in the Plea hereunto an- a Plea in Axed is true.

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finity Term in the tenth Year of the Reign of King George the Second.

nag ID the faid Thomas Kennedy, by Plea, Son Miles Proctor his Attorney, comes Affault Ded defends the Force and Injury, when, mesne. and as to the coming with Force and ther and as to the coming with Force and well ms, and whatever else is against the sic lace of our said Lord the now King, he see said Thomas saith he is not guilty med treof: And of this he puts himself upon as a Country: And the aforesaid A.R. twise: And as to the Residue of the faid

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faid Trespass above supposed to be don the said Thomas saith, that the said Ann Reed ought not to have or maintain he Action therefore against him, because h faith, that the faid Anne, at the Tim when the faid Trespass is above suppose to be done, at the faid Parish of St. Am within the Liberty of Westminster in th County of Middlesex aforesaid, with Force and Arms, &c. made an Affau upon him the faid Thomas, and wou then and there have beat, wounded an evilly treated him the faid Thomas if he th faid Thomas had not then and there fort with defended himself against the sa Anne; and fo the faid Thomas faith, th if any Mischief or Damage then and the happened to the faid Anne, it was occa oned by the faid Affault made by her t faid Anne, and in the Defence of him t faid Thomas: And this the faid Thomas ready to verify: Wherefore he pra Judgment if the aforesaid Anne ought have or maintain her Action aforefa against him, &c.

And the faid Thomas Daw, by the first, Part his Attorney, comes and Defends of the second, Force and Injury, when, &c. and fa and as to the that the faid Mary ought not to have third Promise, maintain her said Action against him, cause as to the said first Promise, and As to the Re- to 6 1. 15 s. 6 d. Parcel of the faid 1 in the faid fecond Promise mention liam and also as to the faid third Promise he faller in

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the did not undertake in Manner and rm as the faid Mary above complains the greof against him: And of this, &c. ie had as to 3 l. 4 s. 6 d. Residue of the said sim l. in the said second Promise mentionse ed, the said Thomas Daw says, that he said the Death of the said Thomas Clevely, it is destroyed as the Administration to the said Mary, and says are said to the said Mary, and says are says are said to the said Mary, and says are says are said to the said Mary, and says are says are said to the said Mary, and says are fore the Day of exhibiting the Bill of faid Mary, to wit, on the — Day in the Year of our Lord—at a foresaid, offered to pay to the ord of Mary the said 3 l. 4 s. 6 d. which said 3 l. 4 s. 6 d. which said 3 l. 4 s. 6 d. the said Mary then and the refused to receive: And the said the mas Daw further says, that he always wards hitherto was, and still is ready by to the said Mary the said 3 l. 4 s. 6 d. In the said to the said Mary if the said was the said to the said Mary if the said was the said to the said Mary if the said mas be paid to the faid Mary, if the faid pra my will receive the fame: And this, Wherefore, &c.

H. Goolde.

Attorney, comes and defends the Force obligatory ac-liniury, when, &c. and fays, that the cording to the lave fames ought not to have his faid Ac-Statute.

The thereupon against him, because acand ding to the Form of the Statute in fuch id the lately made and provided, the faid tion liam fays, that he the faid William ne fa er in the faid Bill obligatory named, before

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before the fuing out the faid origin Writ of the faid James Bryant at Hui Cham Flower aforesaid, paid to the sa Fames the faid ten Pounds and eightee Shillings in the faid Bill obligatory about mentioned, and all Interest therefore di unto fuch Payment thereof: And this he ready to verify: Wherefore he pra Judgment if the faid James Bryant oug to have his faid Action thereupon again him, &c.

Bond.

And the faid Allen, by - his A Plea, Solvit torney, comes and defends the Force a Injury, when, &c. and prays Over of t faid Writing Obligatory; and it is read him, &c. And he also prays Oyer of t Condition of the faid Writing obligator and it is read to him in these Words, wit, Which being read and heard, the fa Allen fays, that the faid Anne ought n to have or maintain her faid Action the upon against him, because he says, th he the faid Allen paid to the faid An upon the thirteenth Day of September the faid Condition above specified the st two Hundred and fix Pounds, which and the faid Henry and Amos, or any them, ought to have paid to the faid A upon that Day, according to the Form a Effect of the faid Condition, to wit, the then Dwelling-House of the said A Middleton, fituate in the Parish of St. M. garet Lothbury, London, in the Ward Coleman Street there: And this he is t

by to verify: Wherefore he prays Judgment if the said Anne ought to have or maintain her said Action thereupon against him, &c.

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and the faid Anne fays, that the by Replication any thing by the faid Allen above by Plead- Non folvit. ing alledged ought not to be barred from having her said Action thereupon against him the faid Allen, because she says, that the said Allen did not pay to her the hid Anne upon the faid thirteenth Day of sptember in the faid Condition above feecified the faid two Hundred and fix founds, which he and the faid Henry and Amos, or any of them, ought to have mid to the faid Anne upon that Day, acording to the Form and Effect of the aid Condition, in Manner and Form as the faid Allen has above by Pleading alledged: And this she prays may be inquired of by the Country : and the faid Ifne. Allen does fo likewise.

GEORGE the Second, by the Grace of B. R. Venire God, of Great Britain, France and Ireland Facias in Eling, Defender of the Faith, &c. To the jettment by Sheriff of Buckinghamshire Greeting, We Original for a mommand you that you cause to come between Us from the Day of the Holy Trinity in three Weeks, wheresoever we shall then be in England, twelve free and lawful Men syour County, each of whom hath ten sounds of Lands, Tenements or Rents by the Year at the least, by whom the struth of the Matter may be the better wor. II. Gg known,

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known, and who neither to Joseph Smith the Plaintiff, nor to John Parkburft late of Catesby in the County of Northampton Esq; Thomas Stanley late of Quainton in the County of Buckingham, Yeoman, Ju dith Brazel late of Quainton aforesaid, Wi dow, John Franklin late of Quainton a foresaid, Yeoman, John Brazel late o Quainton aforesaid, Yeoman, John Co. late of Quainton aforefaid, Yeoman, Rich ard Morgan late of Quainton aforesaid, Yeo man, Thomas Sare late of Quainton afore faid, Yeoman, John Hill late of Quainto aforesaid, Yeoman, Richard Collins lat of Quainton aforesaid, Yeoman, Sir 70h Fortescue Aland late of Westminster in th County of Middle fex, Knight, Thoma Sare late of Quainton aforesaid, Yeoman Richard White late of Quainton aforesaid Yeoman, Joseph Stapp late of Quainton a foresaid, Yeoman, Margaret Grace late Quainton aforesaid, Widow, Foseph Smit late of Quainton aforesaid, Yeoman, El zabeth Harland late of Quainton aforesaid Widow, William Cotsel late of Quainto aforesaid, Yeoman, &c. or Foseph Ha land late of Quainton aforesaid, Yeoma feoma Defendants, are any ways related; to mal a certain Jury of the Country between the Coun and Ejectment, because as well the afor heddle said Joseph Smith as the aforesaid Joseph Parkburst, Thomas Stanley, Judith Braze were Gc. and Joseph Harland, between who same, it is a Martin of the the Matter is in Dispute, have put then hon ? felv

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felves upon that Jury; and have you then there the Names of the Jurors and this Writ. Witness Sir William Lee, Knight, at Westminster, the second Day of June in he eleventh Year of our Reign.

Ventris.

GEOR GE the Second, by the Grace B.R. Diffrinof God, of Great Britain, France and gas in Ejectheland King, Defender of the Faith, &c. ment by Origi-To the Sheriff of Bucking bamfbire, Greet- nal for a Trial ing: We command you, that you difrain Sir Charles Tyrrel of Thornton, Bart. ir Francis Dashwood of West Wickham, Bart. Charles Russel of Great Missenden, Elq; Campbel Price of Westbury, Esq; &c. and Jonathan Hammond of Great Marw, Gent. being the Jurors fummoned our Court before Us at Westminster, etween Joseph Smith, Plaintiff, John Parkburst late of Catesby in the County of Northampton, Esq. Thomas Sanley late of Quainton in the County of Bukingham, Yeoman, Judith Brazil late Quainton aforesaid, Widow, &c. and feeb Harland late of Quainton aforesaid, de Chattels in your Bailiwic, so that neifpa her they, nor any one by them, inter-for heddle therewith, until you shall have followher Precept from Us, and that you followher Precept from Us, and that you are offwer to Us out of the Issues of the house, so that you have their Bodies before them is on Tuesday next after one Month from the the Gg 2

the Day of St. Michael, wheresoever we shall then be in England, to make a certain Jury of the Country between the Parties aforesaid of a Plea of Trespa and Ejectment, and to hear their Judg ment thereupon of many Defaults; An have you then there the Names of the Jury and this Writ. Witness Sir William Lee, Knight, at Westminster the twenty-first Day of July in the twelft Year of our Reign.

Ventris

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England, to wit, Satisfaction acknowledged between Charles King,
Esquire, Plaintiff in Error, and
Gilbert Douglas, Gentleman,
one of the Attorneys of his Majesty's Court of Common Bench at
Westminster, Defendant in Error on a Judgment of the said
Court of the Bench.

Satisfaction-Piece on a Fudgment affirmed in Error.

Damages ---- 43 1.

Robert Richardson Attorney.

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Judgment entered of Easter Term 14th Geo. 2. Roll 254-

The Attorney's Practice

Between Richard Langman Plaintiff,

and
Matthias Unwin,
Gent. one of the
Attorneys, &c.

Plaintiff,
Defendant

Common Pleas.

C.B. Notice to an Attorney of a Bill filed against bim.

TAKE Notice, that a Bill, as of the present Easter Term was this Day sile against you in the Office of Richard Thompson, Esq; one of the Prothonotaries of the Court at the Suit of the above named Plain tiff Richard Langman, in a Plea of Trespaton the Case upon several Promises, to the Plaintiff's Damage of twenty Pounds; and that unless you appear to the said Bill within four Days you will be forejudged the Court.

Robert Richardson by Loui Russel, Attorney for th Plaintiff, 25th May 1742

To Mr. Matthias Unwin the Defendant.

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Court, or ac-

Monday next after five Weeks from Easter Day in the fifteenth Year of King George the Second.

Hartley, TT is ordered, that the Marshal Rule for the Gawford. I of the Marshalfea of this Court Marshal to to bring the Defendant into this Court bring the Dewithin three Days next after Notice of this fendant into fule to be given to him, or shall give a knowledge him Note in Writing under his Hand, acknow- tobe in Cuffedy, edging the Defendant to be in his actual &c. in order Custody, or shall shew Cause to the con- to being chargerary within the Time aforesaid, and give tion. Notice thereof to the Attorney for the Plaintiff.

By the Court.

acknowledge the Defendant to be a Prisoner in my Custody this 27th Day of May 1742.

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R. Mullens, Master.

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Middlefex,

Commitment Piece. Middlesex, to wit, John Crawford late of the Parish of St. Clement Danes in the County of Middlesex, Esquire, is committed to the Custody of the Marshal, &c. at the Suit of Thomas Hartley for forty-five Pounds and ten Shillings Damages, there to remain until, &c.

Robert Richardson, Attorney.

> Judgment of Michaelmas Term in the fifteenth Tear of King George the Second.

Roll 663.

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Rule — 4 0
Marshal — 10 6
With Committitur Piece } 2 0
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Frid

riday next after the Octave of the Purification of the Blessed Virgin Mary in the fifteenth Year of King George the Second.

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erm Ling Re, TT is ordered, by the Confent of the Rule by Con-Doe. Attorneys of both Parties, that John fent in Eject-Blaxland, Gent. William Gore, Thomas ment by Ori-Ranson, Stephen Ladd, Thomas Gilbert and ginal. John Simmons be made Defendants in the tead of the now Defendant Doe, and do orthwith appear at the Suit of the Plainif, and receive a Declaration in an Action of Trespass and Ejectment for the Premissin Question, and forthwith plead thereto Not guilty; and upon the Trial of the Issue, onfess Lease, Entry and Ouster, and influpon the Title only; otherwise let Judgment be entered for the Plaintiff against he now Defendant Doe by Default; and fupon the Trial of the Issue the said John, William, Thomas, Stephen, Thomas and John, hall not confess Lease, Entry and Ouster, thereby the Plaintiff shall not be able furher to profecute his Writ against the said John, William, Thomas, Stephen, Thomas and John; then no Cost shall be allowed or not further prosecuting the same; but he said John, William, Thomas, Stephen, homas and John shall pay Cost to the Plaintiff in that Case to be taxed: And it further ordered, that if upon the Trial of the faid Issue a Verdict shall be given for

Mue.

The Attorney's Practice

for the faid John, William, Thomas, Stephen, Thomas and John, or it shall happen that the faid Plaintiff shall not further profecute his faid Writ for any other Caufe than for not confessing Lease, Entry and Ouster; then the Lessor of the Plaintiff shall pay to the said John, William, Thomas, Stephen, Thomas and John, Costs in that Behalf to be adjudged.

By the Court.

Trial at Bar. Holt, FR D 99 which Day the faid Jury Tyrrel. between the Parties aforefaid, of the Plea aforefaid, was thereupon respited between them before our Lord the King at. Westminster, until Monday next after three Weeks of Easter thence next enfuing, for Default of the Jurors, &c. At which Day before our Lord the King at Westminster the faid Parties come by their Attorneys Verdict. aforefaid, and the Jurors of that Jury being demanded also come; who to speak the Truth of the Premisses being chosen, tried and fworn, fay upon their Oath, as to the As to the first Issue between the faid James Tyrrel

the Deed of Bargain and Sale and Release above mentioned, was of fufficient Memory and Understanding to execute such Conveyance: And as to the second Issue be-As to the fecond Iffue.

tween the said James Tyrrel and the said Sir Clobery Holt, Bart. above also joined in

and the faid Sir Clobery Holt, Bart. above joined in Form aforefaid, that the faid Eli-

zabeth Brereton, at the Time of executing

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Form aforefaid, the faid Jury upon their faid Oath further fay, that the faid Elizaheth Brereton well understood the Contents of the faid Deed of Bargain and Sale and Release above mentioned, and approved of them at the Time of the Execution thereof, as the faid Sir Clobery Holt by pleading for himself has above thereupon alledged: And as to the third Iffue between the faid As to the third James Tyrrel and the faid John Hopley also IJue. above joined in Form aforefaid, the faid Jufors upon their faid Oath also further fay, that the faid Elizabeth Brereton, at the Time of executing the faid Leafe above mentioned, was of sufficient Memory and Understanding to execute such Lease: And as to the fourth Issue between the faid Fourth Issue. James Tyrrel and the faid John Hopley above allo joined in Form aforesaid, the said Jufors upon their faid Oath further fay, that the faid Elizabeth Brereton well understood the Contents of the faid Leafe above mentioned, and approved the same at the Time of the Execution thereof, as the faid John Hopley by pleading for himself has above thereupon alledged.

On which Day the Jury between the Trial at Bar Parties aforesaid, of the Plea aforesaid, was with a Detespited between them before our Lord the cem tales. King, until Wednesday next after three Weeks from Easter Day thence next ensuing, for the Default of the Jurors: At which Day before our Lord the King at Westminfer the said Parties come by their Attorneys aforesaid, and the Jurors of the Jury

above

above mentioned being called, some of them, to wit, Sir George Fettiplace, Bart Sir Jonathan Cope, Bart. Sir James Har rington, Bart. Nathaniel Warner, Rowland Lacy, fames Dawkins, Henry Smith, John Baynes, Henry Fennings and Lawrence Lord Esquires, come, and the Residue of the faid Jury do not come, as appears in the Panel: And because the Residue of the Jurors of the faid Jury did not appear, there fore let the faid Jury further remain to be taken before our Lord the King at Well minfter, until Tuefday next after five Week from the Feast-Day of Easter then next following, for the Default of the Jurors Therefore let the Sheriff have their Bodies &c. and let him add ten other free and lawful Men of the Body of his County to make the faid Jury, together with the faid other Jury in Form aforefaid impanelled so that he have them at the said Day for the Default of the Jurors not remaining be taken, &c. The same Day is given to the Parties aforefaid at the same Place: A which Day before our Lord the King a Westminster the said Parties come by the Attorneys aforefaid, and the Sheriff at th fame Day returned the faid Writ in a things ferved and executed, together wit a Panel of the faid ten other free and law ful Men, as appears in the Panel, and the Jurors to a-new appointed, to wit, Georg Dowdeswel and Isaac Allibone being calle likewise come, who to speak the Truth the Premisses, together with the said Ju

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fors first for that Purpose impanelled, being elected, tried and fworn, fay upon their Oath, that the faid William Jennings by Will bearing Date the 18th Day of Fanuary in the Year of our Lord 1731. did devise the faid above mentioned Premisses to the faid Margaret Sharpe; and they affess the Damages of the faid Margaret by reason of the Premisses, besides her Costs and Charges laid out by her about her Suit in this Behalf, to twelve Pounds, and for those Costs and Charges to forty Shillings.

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and now at this Day, that is to fay, Judgment in Friday next after the Morrow of the Holy Debt by Nil Trinity in this same Term, until which Day dicit, with an Imparlance. the faid D. had Leave to imparl to the faid Bill, and then to answer thereto, before our Lord the King at Westminster come the

faid Henry and Anne by their faid Attorney; and the faid D. although at the fame Day folemnly demanded, does not come, but makes Default, and does not fay any

thing in Bar or Denial of the faid Action of the faid Henry and Anne; whereby the faid Henry and Anne remain therein unde-

fended against the said D. Therefore it is considered, that the said Henry and Anne

ecover against the said D. their said Debt, and also five Pounds for the Damages which they have fustained, as well by reason of

letaining their faid Debt as for their Costs and Charges by them expended about their

suit in this Behalf, adjudged to the said leary and Anne by the Court of our faid

Lord the King now here, with their Affent And the faid D. in Mercy, &c.

Fudgment by Nil dicit.

And the faid A. B. prays that the faid C. D. may answer to his said Declaration. upon which --- next after --- next ensuing is given by the Court here to the faid C. D. to plead in Bar of the faid Action on: The fame Day is given to the faid A.B. at the same Place, &c. At which Day be fore our Lord the King at Westminster the faid A. B. came by his Attorney aforefaid and the faid C. D. at that Day, although folemnly demanded, came not to answer nor did he fay any thing in Bar or Preclufion, &c.

Judgment by Nil Dicit against a Pri-Soner, with an Imparlance.

And the faid C. D. in his proper Person. being in the Custody of the Marshal of the Marshalfea of our Lord the King before the King himfelf, comes and defends the Force and Injury, when, &c. and prays a Day thereupon to imparl, &c. and it is granted to him, &c. and upon that a Day is there upon given to the faid Parties before out Lord the King at Westminster, untilnext after-fthe Day when the Rule was out] in this same Term, to wit, to the said C. D. to imparl to the faid Bill, and then to answer, &c. At which Day before out faid Lord the King at Westminster the faid A. B. came by his Attorney aforefaid, and the faid C. D. although at that Day folemnly demanded, came not, and faid nothing in Bar or Preclusion, &c.

Judgment in Ejectment after Verdict for the Plain-

Therefore it is confidered, that the faid T. E. recover against the said B. and C. his atory

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faid Term yet to come of and in the faid Tenements, with the Appurtenances, and his faid Damages affeffed by the faid Jury in Form aforesaid, and also, &c. fut in al.] Which faid Damages in the whole amount

to, &c.

Therefore it is considered, that the said Judgment a-Michael Bragg recover against the said Mat-gainst Baron thew Cove and Elizabeth his Wife his faid and Feme Debt, and his faid Damages affeffed by the trix, in Cafe. faid Jury in Form aforefaid; and also fix Pounds by the Court here adjudged to the faid Michael of Increase for his faid Costs and Charges, by his Affent: Which faid Damages in the whole amount to eight Pounds and one Shilling, to be levied of the Goods and Chattels which were of the faid Sarah Dore at the Time of her Death in the Hands of the faid Matthew Cove and Elizabeth his Wife to be administred, if they have fo much thereof in their Hands; and if they have not so much thereof in their Hands, then the faid Damages to be levied of the proper Goods and Chattels of the faid Matthew and Elizabeth.

At which Day before our Lord the King Judgment in at Westminster the said Parties come by their Debt by Re-Attorneys aforefaid, and the Sheriff of the licta Verifiaid County did not fend back the faid Writ, nor did he any thing thereupon: And upon this the faid D. relinquishing the Plea by him the faid D. as above pleaded, aith, that he cannot deny the Action of he said P. nor that the said Writing obliatory is his Deed, nor that he oweth to

the

464

the faid P. the faid Sum of 1481. in Man ner and Form as the faid P. above declare against him: Therefore it is considered that the faid P. do recover against the fair D. the faid Debt, and also 201. for his Da mages which he hath fustained as well b reason of the detaining of the said Deb as for his Costs and Charges by him ex pended about his Suit in this Behalf, ad judged to the faid P. by the Court of on faid Lord the King now here, by his ow Affent: And the faid D. in Mercy, &c.

Fudgment for Trespass and Affault, where the Court affary.

Therefore it is considered, that the sai the Plaintiff in John Guffack recover against the said The mas Wilmot his faid Damages affessed b upon Inspection the faid Jury in Form aforesaid, and all of the Wound thirty and eight Pounds by the Court our Lord the King before the King him fessed Damages felf, now adjudged to the said John Gu the Damages fack at his Request, of Increase for his De affeffed by the mages in this Behalf, for that it feems the faid Court, that the faid Damages a fessed by the said Jury in Form aforesal are not fufficient, for that it manifestly a pears to the faid Court upon Inspection the Eye of the faid John Guffack, that the said 7obn Guffack, by Occasion of the sa Trespass is very much injured in his sa Eye; and also fifteen Pounds fix Shilling and eight Pence for his Costs and Charg by the faid Court of our faid Lord to King now here adjudged of Increase tot faid Fobn, by his Affent: Which faid D mages in the whole amount to fixty at eight Pounds.

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At which Day before our Lord the King Judgment in at Westminster the said Parties come by their Debt on the Attorneys aforesaid, and the said Justices for not setting before whom the Assizes for the said County out Tithes, were taken sent here their Record before Part for the them had in these Words, to wit, After- Plaintiff, and wards, &c. [the Postea] Therefore it is Part for the Defendant. confidered, that the faid Feremiab recover against the said Richard the said 71. 10 s. Part of the faid Debt of 19 1. 19 s. 6 d. for the triple Value of the faid Tithes, and the faid Damages, fo as aforefaid affeffed by the faid Jury; and also 191. 19 s. for the Increase of his said Costs and Charges, adjudged by the faid Court to the faid Feremiah, by his Affent, according to the Form of the Statute in fuch Case made and provided: Which faid Damages amount in the whole to the Sum of 22 l. and the faid Richard is in the Mercy of the Court; and the faid 7eremiab is likewise in the Mercy of the Court for his false Clamour against the said Rithard as to the Residue of the said Debt of 19 l. 19 s. 6 d. whereof he is acquitted by the faid Jury in Manner aforefaid, and that the faid Richard go thereof without Day.

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at which Day before our Lord the King Judgment in at Westminster the said Parties come by Debt for the their Attornies aforesaid: Whereupon the Plaintiff on a aid Court having seen and fully under- Demurrer in Abatement to food all and fingular the Premisses, and a Declaration, laving maturely deliberated thereupon, it appeared to the faid Court now here, that the faid Declaration of the faid Master, Wardens and Commonalty, and the Mat-VOL. II. Hh

1741.

the Plaint ff for Cofts 8 1. Stamp uton the Paper

ter therein contained, are good and fuffi. cient in Law for the faid Master, Wardens and Commonalty, to have and maintain their faid Action against the faid Thomas: Judgment for Therefore it is confidered, that the faid Master, Wardens and Commonalty, do recover against the said Thomas their said Debt, and also eight Pounds for their Da. Book, 11 Fcb. mages which they have fustained, as well by reason of detaining that Debt, as for their Costs and Charges by them expended about their Suit in this Behalf, adjudged to the faid Master, Wardens and Commonalty by the Court of our faid Lord the King now here, with their Affent: And the faid Thomas in Mercy, &c.

Fudgment in Debt for the Plaintiffs on a Demurrer to a Plea in Bar to a Scire Facias againft an Executor.

At which Day come before our Lord the King at Westminster as well the said Henry Stocker and John Stocker in their proper Persons, as the said Thomas Heath by his Attorney aforefaid; and hereupon all and fingular the Premisses having been feen, and fully understood by the Cour of the now Lord the King here, and du Deliberation having been thereupon had it appears to the Court of our faid Lord the King here, that the Plea aforefaid by the faid Thomas Heath in Manner and Form aforefaid above pleaded, and the Matte therein contained, are not sufficient in Law to bar the faid Henry Stocker and 70h Stocker from having their faid Execution against him for the Debt and Damages a foresaid: Therefore it is considered, that own . the faid Henry Stocker and John Stocker hav

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Execution against the said Thomas Heath for the Debt and Damages aforesaid, to be levied of the Goods which were the faid Nevil Heath's at the Time of his Death, in the Hands of the said Thomas Heath to be administred, according to the Force, Form and Effect of the Recovery aforesaid: It is also considered, that the said Henry Stocker and John Stocker recover against the faid Thomas Heath 101. for their Costs of Suit, according to the Form of the Statute in such Cases made and provided; for that the faid Henry Stocker and John Stocker have obtained an Award of the Execution aforefaid, after the faid Plea pleaded by the faid Thomas Heath in Bar thereof, to be levied of the same Goods and Chattels, if the said Thomas Heath have so much thereof in his Hands to be administred; and if he hath not, then the faid 10 l. to be levied of the proper Goods and Chattels of the faid Thomas Heath, and that the faid Henry Stocker and John Stocker have also Execution thereof, &c.

Therefore it is confidered, that the faid Judgment on W. take nothing by his faid Bill, but that " Verdict for he be in the Mercy of the Court for his the Defendant. he be in the Mercy of the Court for his false Clamour, and that the said D. go hereof without Day: And it is further condered, that the faid D. recover against the faid P. ——— for his Costs and Charges aid out by him about his Defence on this Behalf, adjudged to the faid D. by the Court that of cur said Lord the King now here, by his av wn Affent, according to the Form of the

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Statute

Statute in such Case made and provided, and that the faid D. have Execution thereof.

Fudgment in Ejedment. Fart for the Plaintiff and Part for the Defendant.

Therefore it is confidered, that the faid John Martin do recover against the said Wil. liam Humphry and Henry his Term aforesaid yet to come and unexpired of and in the faid Moiety of one Mesuage, one Garden, fixty Acres of Meadow, and fixty Acres of Pafture, with the Appurtenances, in the first Count in the faid Declaration mentioned, and the faid Damages so as aforesaid asfessed by the said Jury, and also 13 1. 191. for the Increase of his said Costs and Charges, adjudged by the faid Court to the faid John at his own Request; which said Damages amount in the whole to the Sum of 16 1. and that the faid John be in the Mercy of the Court for his false Clamour against the faid William Humphry and Henry, as to the Trespass and Ejectment in the rest of the Tenements, with the Appurtenances in the Declaration aforefaid specified, whereof the faid William Humphry and Henry are by the faid Jury in Form aforefaid acquitted, and that the aforefaid William Humphry and Henry go thereof without Day.

Fudement in Dect, Part for the Plaintiff and Part for th: Defendant.

Therefore it is confidered, that the faid Sir Bouchier do recover against the faid William the faid Sum of 7 1. Parcel of the faid Debt of 40 % found by the faid Jury in Manner aforesaid, and the said Damage fo as aforesaid affessed by the said Jury and also 27 l. 19 s. 6 d. for the Increase of james his said Costs and Charges, adjudged to the come

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faid Sir Bouchier by the faid Court of our Lord the King now here by his Affent; which said Damages amount in the whole to 30 l. and that the faid William be in the Mercy of the Court; and also that the said Sir Bouchier be in the Mercy of the Court for his false Clamour against the said William as to the faid Sum of 33 l. Residue of the faid Debt of 40 l. whereof the faid William is acquitted by the faid Jury in Manner aforefaid, and that the faid William go thereof without

Therefore it is considered, that as to Judgment in the first Issue between the said Parties in Assault, Part for the Plain-Form aforesaid joined the said John reco-tiff, Part for ver against the faid William the said Da- the Defendant. mages fo as aforefaid affested by the faid Jury; and also 181. 19 s. for the Increase of his faid Costs and Charges, adjudged by the said Court to the said John at his Request; which faid Damages amount in the whole to the Sum of 22 1. and that the faid John be in the Mercy of the Court for his falle Claim against the said William as to the faid second Issue between the Parties aforefaid in Form aforefaid joined, whereof the faid William is by the faid Jury in Form

go thereof without Day. Therefore it is considered, that the said Judgment in Thomas Price do recover against the said Ejeciment for charles Betterson, James Burdock and the Plaintiff as to the 2d of fames Pike, his Term aforesaid, yet to Demise, and to tome and unexpired, of and in the said for the De-Tenements, with the Appurtenances, in fendant as to the faid Declaration secondly mentioned, the ist and 3d

aforesaid acquitted, and that the said William

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and expressed to be demised by the said James Cove and Mary his Wife; and the faid Damages so as aforesaid affessed by the faid Jury, and also 13 1. 19 s. for the Increase of his said Costs and Charges adjudged by the faid Court to the faid Thomas Price at his Request, which faid Damages amount in the whole to 16 %. And the faid Thomas Price is in Mercy, &c. for his false claiming against the said Charles Betterton, Fames Burdock and Fames Pike, as to the Trespass and Ejectment in the faid several Tenements with the Appurtenances in the faid Declaration first above mentioned; and also as to the Trespass and Ejectment in the said Tenements with the Appurtenances in the faid Declaration thirdly mentioned, whereof the faid Charles Betterton, James Burdock and James Pike, are by the faid Jury in Manner aforesaid acquitted : And let the said Charles Betterton, James Burdock and James Pike, go thereof without Day, &c.

Award of Ca.

and hereupon the said P. comes before our Lord the King at Westminster in his proper Person, and prays the King's Writ of Capias ad Satisfaciendum against the said D. to satisfy the said P. for the Debt and Damages aforesaid, to be directed to the Sheriff of the said County of and it is granted unto him; whereby the Sheriff of the said County is commanded, that he take the said D.

in the Court of King's Bench.

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f he is to be found in his Bailiwic, and that he keep him fafely, fo that he have his Body before our Lord the King at Westminster on --- next after --to fatisfy the faid P. for his Debt and Damages aforefaid: The fame Day is given to the faid P. at the faid Place : At which Ret. Non in-Day before our Lord the King at West-vent. minster the said P. comes in his proper Perfon: And the Sheriff of the faid County, namely, - returns that the faid D. is not found in his Bailiwic: Whereupon Award of the faid P. prays another Writ of our faid Alias Ca. Lord the King to be directed to the She-Sa. riff of the same County in Manner aforesaid; and it is likewise granted unto him; by which the Sheriff of the faid County is as before commanded, that he take the faid D. if he is to be found in his Bailiwic, and that he keep him fafely, to that he have his Body before our Lord the King at Westminster on - next after — to fatisfy the faid P. for the Debt and Damages aforefaid: The fame Day is given to the faid P. at the fame Place: At which Day before our Lord the Vic' non King at Westminster the faid P. comes in mist brev. his proper Person; and the Sheriff of the faid County did not fend back the faid Writ, nor did he do any thing thereupon:

afterwards, that is to fay, on —— Award of an next after —— [the Teste of the Ele- Elegic.

Hh 4 git]

Therefore the faid P. prays another Writ,

git] then next enfuing, before our Lord the King at Westminster the said P. came by his Attorney aforefaid, and according to the Form of the Statute in the like Case made and provided, elected to be delivered to him all the Goods and Chattels of the faid D. except the Oxen and Beafts of his Plough, and also a Moie. ty of all the Lands and Tenements of the faid D. of which the faid D. was feifed on the --- next after --- in the -Year, &c. on which Day the faid Judgment was given, or at any Time afterwards, to hold the faid Goods and Chattels as his own proper Goods and Chattels, and also to hold the said Moiety of all the faid Lands and Tenements as his Freehold to him and his Affigns, by a reasonable Price and Extent, according to the Form of the faid Statute, until he shall have fully levied thereof the faid Debt and Damages: And the said P. prays a Writ of our Lord the King to be directed to the Sheriff of the faid County of ---- in Manner aforefaid; and it is granted unto him returnable before our Lord the King at Westminfter on --- next after ---: The same Day is given to the faid P. at the fame Place: At which Day before our Lord the King at Westminster the faid P. came by his Attorney aforesaid; and the Sheriff of the faid County of -, namely, E. F. Esq; by Virtue of the said Writ to him directed, returned a certain Inquisition taken before him at --- in the Coun-

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nty in the —— Year, &c. by the Oath of welve honest and lawful Men of his Bailwic, which faid Inquisition followeth in these Words, to wit, [set forth the Inquisition in bac Verba]

London, FISE T against Thomas Outlawry reto wit, Dawson late of, &c. returnable versed. from the Day of Easter in fifteen Days where-soever, &c. outlawed in London on Monday next after the Feast of St. Mark the Evangelist in the —— Year of the Reign of, &c. at the Suit of Hugh Hammersly in a Plea of Trespass on the Case, to the Damage of the said Hugh of 1001.

Afterwards, to wit, of the Term of in the —— Year of the Reign of, &c. the faid Outlawry was reversed for Default of Proclamation.

Examined by me S. C. the — Day of — in the — Year of the Reign of the Record of the Reversal of the said Outlawry.

S. C. Secondary.

And the faid D. by — his Attor-Entry of a Recognizance bey, comes and defends the Wrong and of Bail after injury, when, &c. And hereupon F. G. the Declaration, &c. and H. J. of, &c. [the Bail with tion their Additions] come in their proper Persons before our Lord the King at Westminter, and become Pledges and Bail, and ach of them becomes Pledge and Bail for the said D. that if the said D. should hap-

pen

pen to be convicted in the Plea aforesaid, then the said F. and H. granted, and each of them for himself hath granted, that all such Damages, Costs and Charges as should on this Behalf be adjudged to the said P. should be taken and levied of their and each of their Lands and Chattels to the Use of the said P. if the said D. should not happen to pay the said Damages to the said P. nor render himself on that Account to the Prison of the Marshalsea of our Lord the King before the King himself.

Bail-Piece in Audita Querela. Marshalsea, to wit, J. L. of &c. is delivered on Bail to prosecute with Effect a Writ of Audita Querela, by him brought to be discharged of and from a Judgment given against him in the Court of his late Majesty Charles the First, late King of England, at the Suit of one T. W. for 100 l. of Debt, and for Damages, Costs and Charges.

To J. D. of, &c. Yeoman, E. F. of, &c. Yeoman.

(Four Bail required.)

J. B. Attorney.

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You severally acknowledge yourselves Form of taking to owe to Thomas Dymock, the Plaintiff in the Recognitive Original Action, the Sum of 1000 l. zance.

Upon Condition, that the Plaintiff in The Condition. the Audita Querela shall prosecute his Writ with Effect; and if the said Plaintiff shall happen to be convicted, or make Default in the Premisses, that he shall pay the Condemnation Money, or you will do it for him.

Are you content?

Afterwards, to wit, on the Day Error assigned of . Year of the inParliament. in the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. before the King himfelf in his Parliament, the faid E. S. comes by G. W. his Attorney, and fays, that in the faid Record and Process, as also in giving the faid Judgment there is manifest Error in this, to wit, that the faid Declaration and the Matter contained therein, is not sufficient in Law to maintain the Action of the faid G. R. against the said E. S. therefore in that there is manifest Error; also in this, that by the said Record it appears, that the faid Judgment was given in Form aforesaid for the said G. R. against the faid E. S. where by the Law of the Land the faid Judgment ought to have been given for the faid E. S. against the faid G. R. and the faid E. S. prays, ₿c.

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The like.

Afterwards, to wit, on the Day of in the Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. before our faid Lord the King and great Men and Peers affembled in this present Parliament at Westminster in the County of Middle fex, the faid Thomas Lloyd comes by 7. L. his Attorney, and fays, that there is manifest Error in the faid Record and Process, also in giving and affirming the faid Judgment mentioned in the faid Record, in this, to wit, that by the faid Record it appears, that the faid Judgment given by the Court of our faid Lord the King, before the King himfelf at Westminster, was given for the faid John Badger against the faid Thomas Lloyd, where by the Law of the Land the faid Judgment ought to have been given for the faid Thomas Lloyd against the faid John Badger; and therefore in that there is manifest Error; there is also Error in affirming the faid Judgment, because he says that the said Judgment was affirmed in the Court of our Lord the King of Exchequer Chamber at Westminfter before the Justices of the Common Bench and the Barons of the faid Exchequer where no fuch Affirmance of the faid Judgment ought to bave been thereupon given; but the faid Judgment by the Law of the Land ought to have been reversed; and therefore in that there is manifelt

manifest Error. And the faid Thomas Lloyd prays that the faid Judgment, for the faid Errors and others in the faid Record and Process, may be reversed, annulled and intirely set aside, and that he may be restored to all that he has lost by Occasion of the faid Judgment and Affirmance, and that the said John Badger may rejoin to the said Errors, &c.

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Afterwards, to wit, on next Error affigned in this same Term on a Judgafter before our Lord the King at Westminster ment, and Afthe faid Nicholas Green and W. C. come firmance of by L. H. their Attorney, and fay, that in ment in Irethe faid Record and Process, and also in land. giving the faid Judgment, and also in affirming the same, there is a manifest Erfor, in this, to wit, that by the Record of the faid Judgment and Affirmance of the fame it appears, that the faid Judgment in Form aforefaid given and affirmed, was given and affirmed for the faid Fames Waller against the said Nicholas and William, where, by the Law of the Land of the Kingdom of Ireland, the faid Judgment ought to have been given for the faid Nicholas and William against the faid 7 ames; therefore in that there is manifest Error: And this they the faid Nich. and Wm. are ready to verify: Wherefore they pray, that the faid Judgment and Affirmance thereof, for the faid Error and other Errors in the faid Record and Process, may be reversed, annulled and intirely set aside, and that 3

they the faid Nicholas and William may be restored to all that they have lost by Occafion of the faid Judgment and Affirmance, &c. and that the faid James may rejoin to the faid Errors, &c.

Afterwards, to wit, on

Error assigned in B. R. on a after the ven in C. B.

before Judgment gi- our Lord the King at Westminster the said Thomas Brooks comes by Thomas Harvey his Attorney, and fays, That in the faid Record and Process, also in giving the said Judgment, there is manifest Error, in this, to wit, that the faid Declaration in the faid Record mentioned, and upon which the faid Judgment is given in Form aforefaid, and the Matter therein contained, is not fufficient in Law to maintain the faid Judgment thereupon given in Form aforefaid; and fo the faid Judgment thereupon given in Form aforefaid is erroneous and void in Law; and therefore in that there is manifest Error; there is also manifest Error in this, that where by the faid Record it appears, that the faid Judgment in Form aforesaid given, was given for the aforesaid Sir William Huftler, Knt. Sir Richard Osbaldiston, Knt. and William Osbal diston, against the said Thomas Brooke, where by the Law of the Land Judgment in the faid Plea ought to have been given for the faid Thomas Brooke against the said Sir Will liam Huftler, Knt. Sir Richard Osbaldifton Knt. and William Osbaldiston; and there fore in that there is manifest Error; and

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prays that the faid Judgment for these errors and others in the faid Record and nocefs may be reverfed, annulled and inirely fet aside, and that he the said Thomas may be restored to all that he has lost by occasion of the said Judgment, and that he faid Sir William Huftler, Knt. Sir Rihard Osbaldiston, Knt. and William Osbalid iften may rejoin to the faid Errors, &c. no the said Sir William Hustler, Knt. Sir Rejoinder in aid Richard Osbaldiston, Knt. and William Of-Error. aldiston come by Adrian Moore their Atomey, and fay, That there is no Error is, ither in the faid Record and Process, or he iving the faid Judgment; And pray that he Court of our Lord the King now here 100 my proceed to examine as well the faid aid lecord and Process, as the said Matters rebove affigned for Errors by the faid Thomas Brooke; And that the faid Judgment may

and the faid Bridget Countess Dowager Error assigned Re- f Plymouth by Henry Doughty her Attor- on Judgment ord and Process, as also in giving the said ey comes and fays, That in the faid Re- in C. B. udgment, there is manifest Error, in this, ere wit, that the faid Declaration, and the latter therein contained, are not sufficient the Law to maintain the Action of the faid bomas and Dorotby thereupon against her be faid Countess; therefore in that there manifest Error; there is also Error in the manifest Error; there is also Error in the manifest by the said Record it appears, and hat the said Judgment given in the Manner

ner and Form aforesaid, was given for the

faid Thomas and Dorothy against the faid

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Countess in the Plea aforesaid, where be the Law of the Land the said Judgmen ought to have been given for the said Countess against the said Thomas and Dorothy and therefore in that also there is manifes Error: And the said Countess surther says that there is also Error in this, to wit, that there is not any Warrant of Attorney as filed of Record in the said Court of Com

mon Bench between the faid Parties of th

Plea aforefaid, to warrant the faid Charle

Draper to be Attorney for the faid Thoma

and Dorothy against the said Countess i

No Warrant of Attorney.

Certiorari

Award of the Certiorari.

the Plea aforesaid; therefore in that all there is manifest Error : Wherefore th faid Countels prays the Writ of our Lor the King of Certiorari to the Chief Justin of our faid Lord the King of the Bencht be directed, &c. and it is granted to he &c. Whereby it is commanded to Sir Knt. Chief Justice of the Bend aforesaid, That he search the Rolls an other Memorandums of the Warrants Attorney of the County of Middle fex Year of th Easter Term in the Reign of our faid Lord the King, being his Custody on Record, and that he with out Delay certify to our faid Lord the King wherefoever, &c. what he shall thereupo find in the faid Rolls and Memorandum together with the Writ of our faid Lor

the King to him thereupon directed, &

which faid Chief Justice of the Bench afor

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faid answered to our said Lord, That the Return. Execution of the faid Writ appeared in a certain Schedule annexed to the faid Writ. in which faid Schedule is contained the Title of the Rolls of the Warrants of Attorney filed of Easter Term aforesaid in the faid Writ specified, being in the Custody of the faid Chief Justice on Record, and the Record of a certain Warrant of Attorney between the Parties aforefaid, of the Plea aforefaid, in the fame Form in which the faid Warrant of Attorney is entred on Record on the faid Rolls; which faid Title and Warrant of Attorney follow in these Words: The Rolls of Attornies received before Sir Knt. Chief Justice of our Lord the King of the Bench, and his Companions, of Easter Term in the Year of the Reign of our Sovereign Lord King of Great Britain, France and Ireland, Defender

of the Faith, &c. Middle fex, to wit, Thomas Throgmorton, Warrant of Elq; and Dorothy his Wife, Executrix of Attorney for an the last Will and Testament of Sir Edward Executrix a-Picke, Knt. put in their Place Charles Dra- gainst an Exeper their Attorney, against Bridget Countels Dowager of Plymouth, Executrix of the last Will and Testament of Charles Earl of Plymouth, of a Plea of Debt. laid Writ is affiled among the Records without a Day, &c. And upon this the faid Thomas and Dorothy by Michael Johnson their Attorney come freely here into Court, and the faid Bridget Countess Dowager of Vol. II. Plymouth

Plymouth as before fays, that in the faid

Record and Proceedings, as also in giving the Judgment aforesaid, there is manifest Error, by alledging the Errors aforefaid by her in Form aforefaid alledged; And prays that the faid Judgment, for those Errors and others in the faid Record and Proceedings, may be reversed, annulled, and intirely set aside, and that she may be restored to all that she has lost by Occasion of the said Tudgment, &c. and that the faid Thomas and Dorothy may rejoin to the faid Errors, &c. and that the Court of our faid Lord the King here may proceed to the Examination as well of the faid Record and Proceedings, as of the aforesaid Matters above affigned for Error, &c. and the faid The mas and Dorothy fay, that there is no Error either in the faid Record and Process, or in giving the faid Judgment; And they likewife pray, that the Court of our faid Lord the King may proceed to the Examination as well of the faid Record and Proceedings, as of the Matters aforesaid above affigned for Error, and that the faid Judgment may be

In nullo eft Erratum rejoined.

vult.

Continuance by in all things affirmed, &c. And because the Cur'advisare Court of our said Lord the King now here is not yet advised what Judgment to give thereupon, a Day is given to the faid Parties, that they be before our Lord the King, from the Day of St. Michael in three Weeks then next ensuing, wherefoever, &c. to hear their Judgment thereon, because the Court of our faid Lord the King now here is not yet advised thereof: At which Day

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before our Lord the King at West minster the faid Parties come by their Attornies aforefaid; but because the Court of our faid Lord the King now here is not yet advised what Judgment to give of and concerning the Premisses, a Day is given to the said Parties that they be before our Lord the King on the Octave of St. Hilary, wheresoever, &c. to hear their Judgment thereon, because the Court of our faid Lord the King now here is not yet advised thereof: At which Day before our Lord the King Continuance, at Westminster the faid Parties come by their Attornies aforefaid; but because the Court of our faid Lord the King now here is not yet advised what Judgment to give of and concerning the Premisses, a Day is given to the faid Parties that they be before our Lord the King in fifteen Days of Easter, wheresoever, &c. because the Court of our faid Lord the King now here is not yet advised thereof: at which Day before our Judgment re-Lord the King at Westminster the said Par-versed. ties come by their Attornies aforesaid; upon which as well the faid Record and Proceedings and Judgment thereupon given, as the faid Causes and Matters above for Error asfigned, being viewed, and by the Court of our faid Lord the King now here fully underflood and diligently examined; For that it appears to the Court of our faid Lord the King now here, that there is manifest Erfor in the faid Record and Proceedings, and also in giving the said Judgment; it is consi-

dered, that the faid Judgment, for the faid

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Errors

Errors and others in the faid Record and Proceedings, be reverfed, annulled, and intirely fet aside, and that the said Bridget Countess Dowager of Plymouth be restored to all that she hath lost by occasion of the faid Judgment, &c.

Pleas before our Lord the King at Westminster, of the Term of the Holy Trinity in the --- Year of the Reign of our Lord George the Second, now King of Great Britain, &c.

England, UR Lord the King fent to

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The Manner of making up a Record of Nifi prius, on Iffue joined in Error on p Fudgment in C. B.

in Cafe.

to wit.

beloved Sir John Willes, Knt. his Chief Justice of the Bench, his Writ close in these Words, to wit, George the Second, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, The Record of &c. To his trusty and well beloved Sig the Judgment John Willes, Knt. Chief Justice of the after a Verditt Bench, Greeting: Forasmuch as in the Record and Proceedings, and also in giving Judgment in a Plaint which was in our Court before you and your Affociates our Justices of the faid Bench, by our Writ between John Alexander and John Woods late of London, Merchant, John Ofgood late of London, Merchant, and Nathaniel Rouse lat of London, Merchant, of a certain Trespai

upon the Case to the said John Alexander

&c. (to the End of the Transcript) and the faid John Woods, John Ofgood, and Nathaniel in Mercy, &c.

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Afterwards, to wit, on Wednesday next Error affigned. after fifteen Days of Easter in that same in B. R. Term, before our Lord the King at Westminster the said John Osgood and Nathaniel Rouse come in their proper Persons, and say. That in the faid Record and Proceedings, as also in giving the said Judgment, there is manifest Error in this, to wit, that it appears by the faid Record, that the faid Judgment is given as well against the said John Woods as against the said John Ofgood and Nathaniel Rouse, when in Truth the faid John Woods in the faid Plea mentioned Death of one died before the Trial of the Issue in the said of the Defende ants before Record joined between the Parties afore- Trial.

faid and before the giving the faid Judg-Day of ment, to wit, on the Year of the Reign of our faid Sovereign Lord the now King at Horsbam aforesaid in the County of Suffex aforesaid, and fo the faid Judgment is erroneous and void in Law. And the faid John Ofgood and Nathaniel Ronse pray, that the said Judgment, for the Error aforesaid, and

other Errors in the faid Record and Proceedings, may be reverfed, annulled, and intirely fet afide; and that they the faid John Ofgood and Nathaniel Roufe may be restored to all they have loft by Occasion of the faid

Judgment; and they pray the Writ of our Award of Lord the King to summon the faid John Scire facias Alexander to come before our Lord the ad Audien-King dum Errores.

King to hear the faid Record and Proceed. ings; and it is granted to them. By which it is commanded to the Sheriff of Suffex, that by good, &c. he make known to the faid John Alexander, that he be before our Lord the King on the Morrow of the Holy Trinity, wherefoever, &c. to hear the faid Record and Proceedings, if, &c. and further, &c. The same Day is given to the said John Ofgood and Nathaniel Roufe, &c. At which Day before our Lord the King at Westminfter the said John Ofgood and Nathaniel Vic'non misst Rouse come in their proper Persons, and

the Sheriff did not return the faid Writ,

ed also comes by John Allen his Attorney,

and fays, that by any thing before alledg-

and the faid John Alexander on the fourth

breve.

Plaintiff in original Action Day of the Plea being folemnly demandappears.

Pleads the faid ed the faid Judgment ought not to be re-Defendant is living.

And traverses bis Death.

versed, because he says, That the said 7obn Woods in the faid Plea mentioned, is yet in Being and alive; without this, that the faid John Woods, before the Trial of the faid Issue in the faid Record joined between the Parties aforesaid, died in Manner and Form as the faid John Osgood and Nathaniel have above alledged: And this he is ready to verify: Wherefore he prays, that the faid Judgment may be in all things af-

Replication.

firmed, &c.

and the faid John Ofgood and Nathaniel Rouse as before fay, That the faid John Woods, before the Trial of the faid Issue in the faid Record joined between the Parties aforesaid, died in Manner and Form as they

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the faid John Ofgood and Nathaniel Ronfe have above alledged; and they pray that this may be inquired of by the Country; and the said John Alexander does likewise Isue. the same, &c. It is therefore commanded Venire to the Sheriff of the faid County of Suffex, warded. that he cause to come before our Lord the King from the Day of the Holy Trinity in three Weeks, wherefoever, &c. twelve, &c. of the Body of the County, &c. by whom, &c. and who neither, &c. to take Cognizance upon their Oaths, whether the faid John Woods, before the Trial of the faid Issue in the said Record joined between the Parties aforesaid, died, as the faid John Rouse and Nathaniel Rouse have alledged, or no; because as well, &c. The fame Day is given to the Parties aforesaid, &c. At which Day before our Lord the Return. King at Westminster came as well the faid John Ofgood and Nathaniel Rouse in their proper Persons, as the said John Alexander by his Attorney aforesaid; and the Sheriff of Suffex, to wit, returns the faid Writ of Venire facias to him in Form aforefaid directed, in all things ferved and executed, together with a Panel of the Names of the Jurors, of whom none, &c. It is Distringas atherefore commanded to the faid Sheriff, warded. that he distrain the said Jurors by all their Lands, &c. fo that he may have their Bodies before our Lord the King from the Day of St. Michael in three Weeks, whereloever, &c. or before the Justices of our faid Lord the King affigned to take the

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The Attorney's Practice

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Affizes in the County aforefaid, if they shall first come on Day of in the County aforesaid, according to the Form of the Statute in such Case made and provided, for Default of the Jurors, &c. Therefore let the Sheriff have the Bodies, &c. The same Day is given to the Parties aforefaid, &c. And be it known, that the King's Writ in this Case on Record was delivered to the Deputy Sheriff of the faid County, on [the last Day of the Term] in this same Term before our Lord the King at Westminster, to be executed according to Law, at his Peril, &c.

Le Sciendum.

> As yet of the Term of the Holy Trinity. Witness Sir William Lee, Knight.

Warrant of Attorney for the Plaintiff in Error. England, to wit, Thomas Murray puts in his Place John Wishaw his Attorney to profecute his Writ of Error against William Rowley, Esq; in a Plea of Trespass, and Ejectment of Farm.

For the Defendant. England, to wit, The said William Rowley puts in his Place Arthur Stone his Attorney against the said Thomas Murray on the said Writ of Error in the Plea aforesaid.

Entry of a
Writ of Error
to B.R. in
Ireland on
Reversal of a
Judgment in
Ejectment
given in C.B.

tbers.

England, to wit, The Lord the King fent to his trusty and well-beloved John Rogerson, Esq; his Chief Justice appointed to hold Pleas in his Court before the King himself in his Kingdom of Ireland, his Writ closed in these Words, to with

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George the Second, by the Grace of The Writ of God, of Great Britain, France and Ireland Error. King, Defender of the Faith, &c. To our trusty and well beloved John Rogerson, Esq; our Chief Justice appointed to hold Pleas before us in our Kingdom of Ireland, Greeting: Forafmuch as in the Record and Process, as also in giving of Judgment in a Plaint which was before our Justices of the Bench in our Kingdom of Ireland, by our Writ between Thomas Murray and William Rowley, Esq; of a certain Trespass and Ejectment of Farm done to the faid Thomas by the faid William: Whereupon Judgment was given for the faid Thomas against the faid William in the same Court of the Bench in our faid Kingdom of Ireland: Which faid Record and Process, by reason of Error intervening, we caused to come before us in our faid Kingdom of Ireland, and Judgment thereupon before us against the faid William is reversed as it is faid; and because in reversing of the said Judgment before us in our faid Kingdom of Ireland upon our faid Writ of Error, manifest Error hath intervened, to the great Damage of the faid Thomas, as by his Complaint we are informed: We willing that the faid Error, if any, be duly amended, and full and speedy Justice done to the said Parties in this Behalf, do command you, that if Judgment be thereupon given in our faid Court of the Bench, and in our Court reversed before us in our faid Kingdom of Ireland.

Ireland, then you fend to us distinctly and plainly under your Seal the Record and Process aforesaid, with all things touching the same, and this Writ, so that we may have them before us from the Day of St. Martin in fifteen Days, wherefoever we shall then be in England, that the Record and Process aforesaid being inspected, we may cause further to be done thereupon for amending the faid Error, as of right and according to the Law and Custom of Eng. land shall be meet to be done; and notify to the faid William, that he be then there to proceed in the faid Plaint, and further to do and receive what our Court in England shall consider in the Premisses. ness ourself at Westminster the fifteenth Day of October in the thirteenth Year of our Reign.

Allowed

Prudom.

John Rogerson.

The Return.

The Record and Process within mentioned, with every thing touching the same, I most humbly send to our Lord the King wheresoever he shall be in England in a certain Record to this Writ annexed, and I have notified to the within named William Rowley, that he be then there to proceed in the said Plaint, as by the said Writ I am commanded.

The Answer of John Rogerson the Chief Justice within named.
[Then enter the whole Transcript.]

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Afterwards, to wit, on Wednesday next Assignment of after fifteen Days from the Day of Eafter Errors in B. R. in this same Term before the Lord the King in England at Westminster comes the aforesaid Thomas ment given for Murray by John Whishaw his Attorney, and the Plaintiff faith, that in the Record and Proceedings in C. B. in of Reverfal and Annullity of the Judgment reversed in aforesaid upon the said first Writ of Error, B. R. there. there is manifest Error in this, to wit, That the Judgment aforefaid by the faid Court of the faid Lord the King before the King himself in Ireland upon the said first Writ of Error was reversed and annulled; whereas the faid Judgment ought to have been affirmed by the same Court: Therefore in this there is manifest Error: And the said Thomas Murray prayeth, that the Reverfal and Annullity of the Judgment aforefaid for that and other the Errors in the Record and Proceedings of Reversal and Annullity of the fame Judgment may be reversed, annulled, and altogether held for naught; and that the faid first Judgment may in all things be affirmed; and that he may be restored to every thing which he lost by reason of the same Reverfal and Annullity, and that the aforefaid William Rowley may rejoin to the Errors atoresaid, &c.

J. Strange.

and the faid William by Arthur Stone Rejoinder in his Attorney comes here into Court, and Error. fays, that in the Record and Proceedings

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of Reversal and Annullity of the Judgment aforesaid upon the said first Writ of Error, there is not any Error; and prays that the Court of our faid Lord the King here may proceed to examine as well the Record and Proceedings of Reversal and Annullity of the aforesaid Judgment upon the faid first Writ of Error as the Matter aforesaid above affigned for Error; and that the Judgment of Reverfal and Annullity aforesaid upon the said first Writ of Error may be in all things affirmed, &c.

Tho. Denison.

Certiorari to the Custos Brevium to certify an Atsachment of Privilege.

GEORGE the Second, &c. To our trusty and well beloved George Henry Ear of Litchfield, Keeper of the Writs and Rolls of our Court of the Common Bench Greeting: We willing for certain Cause to be certified, whether our Writ of Attachment of Privilege between Gilbert Donglas, Gentleman, one of the Attorneys of our Court of Common Bench at Westminfter, and Charles King, Efq; of a Plea of Trespass upon the Case be filed or remaining of Record in your Custody or not, do command you, that you fearch the File of Writs of Attachment of Privilege, and other Memorandums of the County of Middlesex of the Term of St. M. last past, being in your Custody on Record of the Court the Bench, and that without Delay you certify to us wherefoever we shall be in England, &c. What you shall find of the Th

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faid Writ between the Parties aforesaid, of the Plea aforesaid, together with the Return thereof and this Writ. Witness Sir William Lee, Knt. at Westminster the 15th Day of in the Year of our Reign.

Anthony and Bigge.

Henry Goodwin, of Newgate-street, London, Sugar Baker.

Thomas Nichols, of Tower-hill, London, Wine Merchant.

You feverally acknowledge to owe — The Form of [the Plaintiff in the Action] the Sum of taking the Recognizance of [double the Sum recovered] upon Bail in Error Condition that — and — [the Defend-coram nobis ants in the Action] prosecute their Writ of residen. Error with Effect; and if Judgment be affirmed, shall fatisfy and pay the Debt, Damages and Costs recovered, together with such Costs as shall be awarded by Occasion of the Delay of Execution, or else you will do it for them.

Of the Term of St. Hilary in the 22d and 23d Years of King Charles the Second.

Barloe against DD the said Peter Bar-Assignment of Turner. loe by Daniel Marwood Errors. his Attorney comes here and says, that in the said Record and Proceedings, and also

in giving the said Judgment there is manifest Error, to wit, in this, that where the said Judgment given in the said Plaint was given for the said Gawen Turner against the said Peter Barloe in the Plea aforesaid, the said Judgment by the Law of the Land of this Kingdom of England ought to have been given for the said Peter Barloe against the said Gawen Turner; and so the said Peter says, that in the said Record and Proceedings, and also in giving the said Judgment, there is manifest Error: And the said Peter prays the Writ of our Lord the King to summons, &c.

T. Siderfin.

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Continuance.

At which Day before our Lord the King at Westminster the faid Parties come by their Attornies aforesaid; but because the Court of our Lord the King now here is not yet advised of giving their Judgment of and upon the Premisses, a Day is thereupon given to the faid Parties before our Lord the King at Westminster until Friday on the Morrow of the Ascension of our Lord to hear their Judgment thereupon, for that the Court of our faid Lord the King now here is not yet advised, &c. At which Day before our Lord the King at Westminster the faid Parties come by their Attorneys aforesaid: Whereupon the said Court having feen and fully understood all and fingular the Premisses, and having diligently examined and inspected as well the Record and Proceedings aforefaid, and the Judgment

Affirmance of a Judgment in B. R.

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ment given thereupon, as the Caufes and Matters aforesaid assigned by the said 7. S. as above for Error; It appears to the faid Court that there is no Error either in the Record and Proceedings aforesaid, or in the giving the Judgment aforesaid; and that the said Record is no ways vitious or defective: Therefore it is considered, that the Judgment be in all Things affirmed, and that it stand in its full Force and Virtue notwithstanding the Cause and Matter aforefaid as above affigned for Error: and Coffs occasioit is further confidered by the faid Court, ne dilationis that the faid W. M. recover against the Executionis. faid 7. S. ten Pounds adjudged to the faid W. M. by the faid Court according to the Form of the Statute in such Case made and provided, for his Costs, Charges and Damages which he hath fustained by reafon of the Delay of Execution of the Judgment aforesaid, on Fretext of prosecuting the Writ of Error aforesaid: And that the faid W. M. have Execution thereof.

Afterwards, to wit, on the - Day Entry of Reof - in the - Year of the Reign of cord transmitour Sovereign Lord George the Second, by ted into the the Grace of God of Great Britain, France Exchequer Chamber. and Ireland King, Defender of the Faith, the Transcript of the faid Record and Process, between the Parties aforesaid, of the Plea aforesaid, with all Things touching the same, on Pretext of a certain Writ of Error profecuted in the Premisses by the

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faid P. before his Majesty's Justices of the

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Common Bench and Barons of the Exchequer of the Degree of the Coif, were transmitted from the Court of our said Lord the King, before the King himself. into the Exchequer Chamber, according to the Form of the Statute made in the Parliament of our Lady Elizabeth late Queen of England, held at Westminster the twenty-third Day of November in the twenty-feventh Year of her Reign ; and Error assigned the aforesaid P. appearing in the same Court of Exchequer Chamber, affigned certain Matters for Errors in the Record and Process aforesaid, for reversing and annulling the Judgment aforesaid: To which the aforesaid D. likewise appearing in the same Court of Exchequer-Chamber pleaded that there was no Error either in the Record or Process aforesaid, or in giving of the faid Judgment.

Affirmance of Judgment in

Chamber.

And afterwards, to wit, on -- Day of - in the - Year o the Exchequer the Reign, &c. the faid Court of Exche quer Chamber having feen and diligently examined and fully understood, as we the Record and Process aforesaid, and the Judgment thereupon given, as the fair Causes assigned and alledged for Error by the faid —— it appeared unto the fail Court of Exchequer Chamber, that the faid Record was in no ways vitious or de fective, and that there was no Error in the faid Record: Therefore it was then and ther

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Vol. II.

there confidered by the faid Court of Exchequer Chamber, that the faid Judgment be in all Things affirmed, and stand in full Force and Effect notwithstanding the faid Causes and Matters affigned for Error by the faid and it was also at the same Time consi- Cofts dered by the same Court, that the Occasione difaid - recover against the faid - cutionis ten Pounds adjudged to the faid - by his own Affent by the faid Court, according to the Form of the Statute in fuch Case made and provided, for his Damages, Costs and Charges which he had fustained by reason of the Delay of Execution of the faid Judgment on Pretence of profecuting the faid Writ of Error: And there-Remittitur upon the faid Record and Proceedings of the Justices of the Common Bench, and of the Barons of the Exchequer aforesaid before them had in the Premisses, were then remitted by the faid Justices and Barons before our faid Lord the King wherefoever he then was in England, according to the Form of the Statute above mentioned: And they now remain here in the Court of our faid Lord the King, before the King himself.

As the Court, &c. And prays the Writ Scire Facias of our faid Lord the King, to warn the pray'd and faid Richard to be before our Lord the awarded. King to hear the faid Record and Proceedings: And it is granted to him, &c. By which it is commanded to the Sheriff of

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the County of Surry, that by good and lawful Men of his Bailiwic he make known to the faid Richard, that he be before our Lord the King from the Day of the Holy Trinity in fifteen Days wherefoever he shall then be in England, to hear the Record and Proceedings aforefaid, if i shall feem expedient to him: And further to do and receive what the Court of ou Lord the King before the King himfel shall consider in that Behalf: The same Day is given to the faid Robert, &c. 9 which Day before our Lord the King a Westminster came the faid Robert by hi Attorney aforesaid: And the said Richard on the fourth Day of the Plea being fo lemnly demanded, also came by Gile Clark his Attorney: Apon which the fai Error alledges Robert as before fays, that in the faid Re the Errors ber cord and Proceedings, and also in givin fore affigned, the faid Judgment, there is manifest Er ror, by alledging the faid Errors by him i Form aforefaid alledged; and prays that the faid Judgment for those Errors, an others being in the faid Record and Pro ceedings, may be reversed, annulled an

intirely held for nought, and that he ma

be restored to all that he has lost by O

casion of the said Judgment; and the

the faid Richard Lombard may rejoin t

those Errors; and that the Court of ou

Lord the King here may proceed to ex

mine as well the Record and Proceeding

aforesaid, as the Matter aforesaid about

affigned for Error: Apon which the fai

Parties appear.

Plaintiff in

in the Court of King's Bench. 499

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Richard fays, that the faid Robert Lom- Defendant in bard on the said 29th Day of July in Error says the twenty-ninth Year aforesaid was of tiff was of full Age, and not under the Age of one full Age. and twenty Years, in Manner and Forth as the faid Robert Lombard has above alledged: And he prays that this may be inquired of by the Country! and the Ifue. faid Robert Lombard does so likewise: Therefore it is commanded to the She- Venire riff of the County of Surry, that he cause warded. to come before our Lord the King from the Day of the Holy Trinity in three Weeks wherefoever, &c. twelve free and lawful Men of the Vifne of Southwark aforesaid, in the County aforefaid, of whom each has twenty Pounds of Land, Tenements, or Rents by the Year at the least, by whom the Truth of the Matter may better be known, and who are no ways related either to the said Robert Lombard or to the said Richard Lombard, to take Cognizance upon their Oaths, Whether the faid Robert Lombard on the faid 29th Day of fuly in the twenty-ninth Year aforefaid, was of the full Age of one and twenty Years or not : At which Day before our Lord Returned. the King at Westminster the faid Robert Lombard came by his Attorney aforefaid: And the Sheriff returned the faid Writ to him thereupon directed, together with a furors make Panel of the Names of the Jurors in all Default. Things served and executed, of whom none, &c. Therefore it is commanded to Diffringes a

the Sheriff, that he distrain the said Ju. warded.

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The Attorney's Practice.

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Lord the King from the Day of St. Michael in three Weeks wherefoever, &c. Or be, fore the Justices of our said Lord the King assigned to take the Assizes in the County aforesaid if they shall come before, on Wednesday the twenty-fourth Day of July, at Rygate in the County aforesaid by Form of the Statute, &c. for Desault of the Jurors, &c. to make the said Jury between the Parties aforesaid, of the Pleaaforesaid: The same Day is given to the said Parties, &c. And be it known, that the Writ of our said Lord the King therewoon, on the 19th Day of June in this

same Term, before our Lord the King at

Westminster, was delivered of Record to the Deputy Sheriff of the County afore-

faid, to be executed in Form of Law at

his Peril, &c.

Le Sciendum.

Writ of Error to the Exchequer Chamber in Ireland.

GEORGE the Second, by the Grace of God, of Great Britain, France and Ireland King, Defender of the Faith, &c. To his Treasurer and Barons of his Exchequer in Ireland, Greeting: Forasmuch as in the Record and Process, as also in giving Judy ment in a Plaint, which was before you out said Barons in our Exchequer by Bill, between Stephen Norton our Debtor and Mary Rice, of a certain Trespass and Ejectment of Farm done to the said Stephen by the said Mary, which said Record and Process by reason of Error intervening, we caused

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to come before the Lord Chancellor of Ireland and you the faid Treasurer and Barons, into the Chamber of Council called the Council Chamber of the faid Exchequer in Ireland, and Judgment thereupon before the Lord Chancellor and you the faid Treasurer and Barons is affirmed, asitis faid; manifest Error hath intervened, to the great Damage of the faid Mary, as by her Complaint we are informed; we willing that the faid Error, if any, beduly amended, and full and speedy Justice done to the faid Parties in this Behalf, Do command you, that if Judgment be given thereupon and affirmed, then you fend to us distinctly and plainly into our Parliament in Great Britain the next Session, to be held on Thursday the ninth Day of Auguft next ensuing, the Record and Process aforefaid, with all Things touching the same and this Writ; that inspecting the Record and Process aforesaid, we may cause further to be done thereupon by the Affent of the Lords Spiritual and Temporal in the same Parliament assembled for correcting the faid Error *, as of Right and according to the Law and Custom of England shall be meet to be done. ness Ourself at Westminster the ninteenth

^{*} Lilly p. 238, 271, 287, 290, 291. Quod de Jure fuerit faciendum.

^{272, 287, 288.} Quod de Jure & secundum confuetudinem Regni nostri Hibernia fuerit faciendum.

Day of June in the thirteenth Year of our Reign.

Putland.

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Indorsed By our Lord the King.

Paid for this Writ 61. 2 s.

Note; The Plaintiff in Error, Mary Rice, is an Infant, and the Suit below is by William Lord Howth her Guardian: But it feems the Cursitors take no Notice of Infancy in a Writ of Error.

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